

**Closing Statement of Justice Fern Fisher
Deputy Chief Administrative Judge for New York City Courts
Director, New York State Courts Access To Justice Program**

Initially, I want to acknowledge the hard work of Helaine Barnett, Marcia Levy and all the Task Force members who contributed to insuring that many voices have been heard at the four hearings across this state on this most important issue of stable and adequate funding for civil legal services. Today, I would like to add the voice of the New York State Courts Access to Justice Program and my personal voice as the Deputy Chief Administrative Judge of New York City Courts to the harmonious choir. The primary mission of the Access to Justice Program is to ensure equal access to justice to everyone who has a case in one of our courts or a legal problem outside of the our courts' jurisdiction. Our number one goal is finding long term solutions to chronic lack of civil legal assistance for people of low-income and modest means in New York including and foremost, finding a permanent public funding stream for civil legal services.

At a time when many in this country are expressing discontent with government, it is essential that the third branch of government, the judiciary, address the inherent inequity that individuals experience when they must deal with life affecting legal issues without access to civil legal assistance. The most compelling voices that we have heard at all the hearings are the clients whose lives would have been dramatically impacted had they not have been fortunate in obtaining legal assistance. I am proud to be part of a Court system lead by a Chief Judge who understands the human consequences of injustice.

Our court statistics support that New Yorkers are in crisis. The crisis is reflected by the volume of cases filed that affect everyday peoples lives. Family cases, matrimonials, consumer credit, foreclosures and landlord-tenant cases comprise 70% of our civil cases. Growing foreclosure filings from 2005 to 2009 are illustrative of the increased pressures the economic downturn has caused for individuals. In Kings County filings increased 200% from 1,827 to 5,484, in Nassau filings increased 319% from 1,310 to 5,487, in Suffolk the increase was 274% from 2,016 to 7,531, and in Queens the increase was 217% from 1,842 to 5,839.¹ This year foreclosures continue to increase. In Queens this year approximately 5000 conferences have been held with only 3000 homeowners represented. Since legislation was enacted requiring preliminary conferences in

foreclosures, there have been over 75,000 conferences in the Second Department alone, and the numbers are growing throughout the state. For example, in Orange County there were 129 conferences in February of 2010. Last month there were 750. In the Civil Court of the City of New York in 2009, 241,594 consumer credit cases were filed. The inability to pay debts starts the spiraling down of people's lives leading them to other legal problems such as evictions and foreclosures. Economic pressures are effecting families. Judges and clerks see more angry, crying, desperate, hopeless litigants. Family Court statistics are staggering.² We are seeing more people of all incomes faced with potentially life altering legal problems. In a recent survey of our judges, 42% indicated that there has been an increase of chronic low income unrepresented litigants in their courtrooms, 67% indicated that there has been an increase of unrepresented litigants who have recently become low income due to the economic downturn and 53% indicated that there has been an increase in unrepresented litigants of moderate income. The human consequences of the outcomes of these cases have been amply established by the oral and written testimonies of clients and legal service providers.

It should be noted that the Access to Justice Program staff uses the term unrepresented litigants and not self-represented litigants. The latter term seems to indicate that individuals who appear without attorneys, have elected not to be represented and not that they have no access to one. It is a misconception that litigants choose to be pro se; the overwhelming majority have no choice. The numbers of unrepresented litigants in the courts are tremendous.³ In Family Court in the City of New York 93% of both petitioners and respondents in child support cases are completely unrepresented; another 4 to 5% had counsel for part of the case. Effectively, 97 to 98% of individuals dealing with child support issues in New York City do so without full benefit of counsel.⁴ In 2009, in New York City consumer debt cases approximately 1% of consumer defendants had counsel while 100% of plaintiffs were represented by counsel. A five day survey in Richmond County showed no defendants had counsel. In New York County a small number of litigants were represented by the Volunteer Lawyer of the Day Program co-sponsored with the New York County Lawyers Association, but no other defendants had counsel. The statistics for the five day period on unrepresented consumer debt defendants in the remaining counties are almost the same.⁵ The numbers in landlord tenant cases are similar, with most tenants appearing without an attorney.⁶ It should be noted, however that there is an increase in the number of lower income small owners who appear without an attorney.⁷ Owners are now frequent users of our Help Centers. The economic

crisis has long tentacles. There are many unlikely individuals affected by the economic crisis.

The consequences of unrepresented litigants appearing in our courts are many. The negative effect of unrepresented litigants on the efficiency of court operations has been supported by the testimony of trial judges. I wish however, to focus more on indicia that unrepresented litigants have difficulty obtaining equal justice. A recent survey of judges indicated the following: 63% of judges responding felt that it was difficult to ascertain facts as evidence is not properly presented, 73% indicated unrepresented litigants failed to present necessary evidence, 64% felt there was ineffective witness examination, 67% felt there were ineffective arguments, 70% felt there was confusion over issues and 84% felt there was lack of knowledge about the law. While nationally, the role of a judge in an unrepresented litigant case is slowly evolving to be a neutral but engaged figure, neutrality is central to judging. Many judges feel it stretches neutrality when they attempt to be engaged in a case involving unrepresented litigants. When a judge is unengaged a litigant without a lawyer will have great difficulty. Judges are grappling with where the line should be drawn and they are stressed by the difficult decisions they must make.

The court system also understands that the legal problems that individuals struggle with in our courts are only a partial reflection of the legal problems experienced by individuals who have no access to civil legal services. Problems individuals have with administrative agencies or private entities prior to litigation require lawyers. Our judges are flooded with cases such as landlord tenant cases which would not have ripened into litigation if government benefits, unemployment insurance, wage and immigration issues were resolved by lawyers. For example, numerous cases in the New York City Housing Part would disappear if individuals had adequate access to a lawyers to resolve financial issues that fuel non-payment housing cases. The court system, owners and tenants all benefit when underlying legal issues are resolved by attorneys without the need to file a housing case. The court system would see far less cases in other substantive areas if lawyers were available pre-litigation to assist individuals. Civil Legal Services attorneys are necessary to insure that rights are achieved that are intended and guaranteed by our State legislature in housing, foreclosure, family and other areas.

You have heard references to pro bono efforts to assist unrepresented litigants and self-help measures. We are pleased with the progress of court-sponsored volunteer programs such as the Volunteer Lawyer for the Day Program, however, these programs address only limited types of uncomplicated cases and reach a small percentage of the total need of litigants. We have learned that pro bono attorneys are excellent resources in limited types of cases. The more complicated cases with multiple legal issues require attorneys who are both experienced and knowledgeable and have the time to devote to such cases. Civil legal services attorneys are uniquely able to address the full range of legal problems experienced by their clients. In the Second Department, pro bono attorneys from local bar associations such as the Nassau County Bar, Suffolk County Bar, Queens County Bar and Brooklyn Bar and the Richmond Bar have devoted numerous pro bono hours to foreclosure cases. Bar associations and other pro bono attorneys must be applauded for their efforts. Those attorneys will soon be exhausted as foreclosure filings continue to increase. Even with the surge of pro bono and legal service providers' efforts in foreclosure, 44% of defendants remain unrepresented state-wide. A bar leader yesterday sent me an e-mail which stated "Foreclosure litigation is highly complex and the stakes are extraordinarily high. The well being of individual families and entire communities are at issue....it has become increasingly clear that representation by attorneys is vital if litigants hope to navigate effectively through the legal technicalities and the federal and state programs intended to alleviate the crisis."⁸ In other areas of need, such as unemployment, immigration, housing, consumer, divorce and family, there are far fewer pro bono attorneys. In some areas of the state, particularly rural areas, the private bar is insufficient to meet the ever growing need. While we must continue to encourage attorneys to serve, we can not rely on pro bono services to stem the crisis. Nor can we rely on self-help measures. The Help Centers operated by the Courts provide some basic relief to unrepresented litigants, but staff there can only provide legal information. In some courthouses the need is so great we are forced to turn litigants away. In most counties there are no Help Centers or the Help Center is able only to provide assistance in certain types of cases. The Do-It Yourself computer programs offered by the Court provide legal information and help litigants fill out forms, but a computer can not give legal advice, nor can it calm the fears of an individual facing crisis. Pro Bono and self-help measures while necessary and helpful can not insure equal access to justice. Civil Legal Services attorneys alone are able to shoulder the majority of the need; they must do the heavy lifting.

Obtaining a stable state funding stream in New York State for Civil Legal Services must be our first priority. Legal Services programs should not be forced to guess each year if they can continue to remain open. We must as a state accept that there is a price to pay when individuals are denied equal access to justice in civil cases. The price includes the cost of cleaning up the results of cases when people could not access assistance, but most important those denied justice lose faith in our system of government.

In figuring out what the dollar amount should be, using the Chief Judge's words, we must put together the pieces of the puzzle. We must fit together the civil legal services needs of the public with setting priorities and exploring all models of delivery of legal services via legal service providers. We must fit in maximizing the use of pro bono attorneys and self-help measures where appropriate and insure that all civil legal services are delivered efficiently and effectively.

In closing, I quote from the last speech of Hubert Humphrey in 1977. "...the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped. "⁹ Our justice system must meet the moral test of providing equal access to justice which can only be achieved through stable and adequate civil legal services funding. Our citizens and residents who face loss of health care, home, child or United States residency, who are unable to protect their incomes, or who are trapped in untenable violent marriages are as in danger of being imprisoned in their lives as Mr. Gideon was in jeopardy of being put in prison. The time is now to embrace the spirit of Gideon in the civil arena and move forward to a more perfect world.

1. Foreclosure have increased throughout the State. Foreclosure statistics are attached.
2. There were 742,365 Family Court Filings.

3. Unrepresented Litigant Estimates (based on data in case management systems): See Attachment.
4. In Family Court matters where assigned counsel is not provided, there were 611,768 filings. Approximately 74% of litigants in those cases were unrepresented. See Attachment.
5. There were 1,027 consumer credit cases calendered throughout New York City during the 5 days the survey was conducted. Only 26 defendants were represented by private counsel. A smaller number were represented by the Volunteer Lawyer For the Day Program.
6. Outside of the City of New York 98% of tenants are unrepresented. Inside the City of New York 99% of tenants are unrepresented.
7. Outside the City of New York 30% of owners are not represented.
8. E-mail 10/6/2010 from Emily Franchina, former president of the Nassau County Bar Association.
9. Last Speech of Hubert H. Humphrey November 1, 1977, Washington, D.C. at a dedication of a building by the United State Senate.

New York State Unified Court System Foreclosure Cases Filed 2005 - 2009					
County	Year				
	2005	2006	2007	2008	2009
Albany	424	502	554	520	645
Allegany	79	84	82	80	77
Bronx	686	892	1,250	1,589	1,901
Broome	328	313	309	287	299
Cattaraugus	157	148	167	129	120
Cayuga	176	171	166	149	142
Chautauqua	304	308	272	255	236
Chemung	160	195	174	174	166
Chenango	74	96	89	91	95
Clinton	100	100	122	97	105
Columbia	74	92	107	151	171
Cortland	47	107	81	77	84
Delaware	52	85	88	96	102
Dutchess	276	445	667	871	1,052
Erie	2,726	2,285	2,187	1,971	1,743
Essex	49	59	50	66	65
Franklin	63	58	55	60	74
Fulton	160	159	161	206	186
Genesee	137	181	153	124	97
Greene	65	76	83	121	181
Herkimer	118	164	146	120	181
Jefferson	106	122	143	139	164
Kings	1,827	2,299	3,128	3,791	5,484
Lewis	40	48	34	22	37
Livingston	135	145	131	125	122
Madison	120	131	134	140	139
Monroe	1,917	1,988	1,917	1,902	1,698
Montgomery	96	83	43	167	155
Nassau	1,310	1,781	2,852	3,920	5,487
New York	209	161	258	285	581
Niagara	530	719	571	440	379
Oneida	393	421	414	342	413
Onondaga	1,053	975	882	1,080	995
Ontario	205	233	208	214	182
Orange	8	15	371	1,200	1,629
Orleans	171	204	126	113	111
Oswego	289	292	302	287	312
Otsego	81	90	102	111	118
Putnam	1	6	8	53	331
Queens	1,842	2,397	4,007	5,453	5,839
Rensselaer	315	339	383	402	439
Richmond	594	671	960	1,366	1,631
Rockland	183	282	410	676	979
Saratoga	155	223	315	302	384
Schenectady	332	428	463	481	563
Schoharie	66	60	65	73	74
Schuyler	41	27	24	25	23
Seneca	73	92	78	52	60
St Lawrence	119	135	118	120	106
Steuben	204	186	175	179	136
Suffolk	2,016	2,862	4,679	7,111	7,531
Sullivan	126	213	301	394	435
Tioga	72	80	91	78	79
Tompkins	78	71	67	50	60
Ulster	190	295	410	521	630
Warren	87	106	150	160	168
Washington	129	157	166	163	184
Wayne	293	269	241	220	199
Westchester	565	883	1,239	1,676	1,970
Wyoming	72	90	89	79	70
Yates	52	46	46	55	45
Total	22,350	26,145	33,064	41,201	47,664

**New York State Unified Court System
Representation of Parties in
Supreme Civil, Family and Local Civil Court Cases
14 October 2010**

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Introduction

Tables for each court are preceded by an explanation of the data source and the methodology used to compile the data. All data reported here are collected from the Unified Court System’s centralized case management systems. These data are reported to court personnel on an ongoing basis as cases are commenced, processed and disposed.

The data in this report reflect: 1) the limitations of the attorney representation data collected in these systems; 2) inconsistencies in reporting to the court by litigants and counsel; and 3) differences in local data entry practices. Thus, numbers and percentages in this report provide a general picture of representation but should not be treated as definitive or final numbers of unrepresented litigants.

Executive Summary

In each court, data that point to representation status are collected differently.

Supreme Civil

Reporting Context - After a steady decline from 2004 to 2007, new case filings recently increased. In 2009 there were 197,030 new filings, an increase of 8% over 2008, which saw an increase of 6% over 2007.

Methodology Summary - Each attorney/firm who enters an appearance is marked in the Case Management System as P if representing one or more Plaintiffs or D if representing one or more Defendants. A party who informs the court of self representation is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. Each side may have multiple parties, each of whom may be represented by counsel or self-represented. Data in this document were compiled by side.

Plaintiffs - Statewide, in 83% of Supreme Civil cases, **at least one attorney or firm** was reported to represent at least one plaintiff and none was pro se. Reported plaintiff representation was higher outside New York City (88%) than in New York City (76%). Statewide, in 17% of cases, no attorney was reported representing a plaintiff; there may or may not have been pro se representation in those cases. In 52% of uncontested matrimonial cases, no attorney was reported to be representing a plaintiff.

Defendants - Statewide, in 53% of Supreme Civil cases, at least one defendant was represented by counsel and none was pro se. In 44% of Supreme Civil cases, **no attorney was reported representing a defendant**. There was no reported representation for defendants in 91% of uncontested matrimonial cases and in 70% of foreclosure cases statewide.

Caution is advised in citing Supreme Civil data reporting "no attorney representation." This group includes some who are self-represented and others for whom there is no representation information.

Family Courts

Reporting Context - In 2009, the number of new filings reached the highest ever at 742,365.¹ However, this includes all case types. For case types reported here, the total in 2008 was 606,910 and in 2009 was 611,768.

Methodology Summary - In Family Court, attendance is recorded for each appearance. Attendance data were collected only for cases where litigants are *not presumed represented by counsel*, including Support, Guardianship, Family Offense, Paternity,

¹ This includes all Family Court filings including case types (e.g. Neglect, Abuse, Termination of Parental Rights) where representation of all parties is required. These case types are not included in the representation data reported below.

Uniform Interstate Family Support Act and Custody/Visitation cases. Attorney attendance data were summarized by party. Frequency of attendance is reported by cases and by appearances.

Petitioners - An attorney was present for the petitioner for every appearance in 6% of Family Court cases. An attorney was present for the petitioner in 20% of New York City Family Court appearances and in 29% of Family Court appearances outside New York City. Petitioners are represented in 36% of custody/visitation cases appearances.

Respondents - An attorney was present for a respondent for every appearance in 5% of the cases and in 24% of the appearances. Respondents outside of New York City were represented slightly more frequently (26% of appearances) than were New York City family court respondents (18% appearances). Respondents are represented in 35% of custody/visitation appearances.

Local Civil Courts

Reporting Context - New filings for New York City Civil Courts were 909,064 in 2009; down from a high of 969,654 in 2006. In Local Civil Courts outside New York City, new filings reached a high of 382,171 in 2008, and declined 6% to 358,529 in 2009.

Methodology Summary - Representation data are available for 49 local civil courts, including the five New York City Civil Court locations. Data are recorded for each party in three categories: Represented by Counsel, Self Represented, or No Appearance. A party is marked "No Appearance" when the court has not been notified of representation by counsel or by self.

Plaintiffs - In 97% of New York City Civil Court cases, plaintiffs are reported as represented; outside New York City plaintiffs are reported represented in 79% of local civil court cases.

Defendants - In New York City Civil Court 15% of defendants are reported represented; outside of New York City 2% of defendants are reported represented in local civil courts. One exception to this pattern is in New York City no fault cases where 81% of defendants are reported represented.

New York State Unified Court System Representation of Parties in Supreme Civil Methodology Used To Compile Data

Attorney representation data were compiled from the Supreme Civil Case Management System (CMS) for all Motor Vehicle, Medical Malpractice, Other Tort, Contract, Contested and Uncontested Matrimonial, Tax Certiorari, Foreclosure and Other cases disposed in 2009.

For each case, attorney data indicates whether the attorney represents a plaintiff or a defendant or whether the party is pro se. Data were compiled separately for each side, and categorized as follows:

- **At Least One Attorney** represented at least one party on this side and no party was pro se.
- **Mixed** At least one attorney represented at least one party on this side and at least one party was pro se.
- **No Attorney** was reported to represent any party on this side; and, pro se may or may not be recorded.

**NEW YORK STATE UNIFIED COURT SYSTEM
SUPREME CIVIL CASES DISPOSED IN 2009
Representation of Plaintiffs**

Case Type	Total Cases	At Least One Attorney No Pro Se		At Least One Attorney and One Pro Se		No Attorneys Possible Pro Se	
		#	%	#	%	#	%
NYC							
Motor Vehicle	16,905	16,831	100%	15	0%	59	0%
Medical Malpractice	2,497	2,443	98%	5	0%	49	2%
Other Torts	16,405	16,147	98%	34	0%	224	1%
Contracts	4,179	4,018	96%	11	0%	150	4%
Contested Matrimonial	3,255	2,806	86%	112	3%	337	10%
Tax Certiorari	3,608	3,595	100%	0	0%	13	0%
Foreclosure	6,055	6,002	99%	5	0%	48	1%
Uncontested Matrimonial	23,458	7,139	30%	15	0%	16,304	70%
Other	21,533	15,033	70%	54	0%	6,446	30%
Total Cases	97,895	74,014	76%	251	0%	23,630	24%
Outside NYC							
Motor Vehicle	10,594	10,457	99%	28	0%	109	1%
Medical Malpractice	1,605	1,536	96%	18	1%	51	3%
Other Torts	8,102	7,882	97%	42	1%	178	2%
Contracts	11,811	11,443	97%	20	0%	348	3%
Contested Matrimonial	10,826	10,212	94%	334	3%	280	3%
Tax Certiorari	14,094	14,014	99%	7	0%	73	1%
Foreclosure	18,523	18,273	99%	5	0%	245	1%
Uncontested Matrimonial	19,880	13,363	67%	110	1%	6,407	32%
Other	28,336	21,684	77%	94	0%	6,558	23%
Total Cases	123,771	108,864	88%	658	1%	14,249	12%
STATEWIDE							
Motor Vehicle	27,499	27,288	99%	43	0%	168	1%
Medical Malpractice	4,102	3,979	97%	23	1%	100	2%
Other Torts	24,507	24,029	98%	76	0%	402	2%
Contracts	15,990	15,461	97%	31	0%	498	3%
Contested Matrimonial	14,081	13,018	92%	446	3%	617	4%
Tax Certiorari	17,702	17,609	99%	7	0%	86	0%
Foreclosure	24,578	24,275	99%	10	0%	293	1%
Uncontested Matrimonial	43,338	20,502	47%	125	0%	22,711	52%
Other	49,869	36,717	74%	148	0%	13,004	26%
Total Cases	221,666	182,878	83%	909	0%	37,879	17%

Supreme Civil Data Note: Attorney/firm names are listed in case files in CMS. Each listed attorney/firm is marked P for representation of one or more Plaintiffs or D for representation of one or more Defendants. Any party who informs the court of pro se appearance is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. In particular in contract and contested matrimonial cases an attorney representing a party may not be identified when an RJ1 is filed and then is subsequently identified for the County Clerk's records but not for the court's records. In the final column above: "No Attorneys" means that no attorney/firm name appears in the file for this side; "Possible Pro Se" means that there may or may not be a pro se party listed for the cases in this column.

**NEW YORK STATE UNIFIED COURT SYSTEM
SUPREME CIVIL CASES DISPOSED IN 2009
Representation of Defendants**

Case Type	Total Cases	At Least One Attorney No Pro Se		At Least One Attorney and One Pro Se		No Attorneys Possible Pro Se	
		#	%	#	%	#	%
NYC							
Motor Vehicle	16,905	15,073	89%	858	5%	974	6%
Medical Malpractice	2,497	2,282	91%	90	4%	125	5%
Other Torts	16,405	14,557	89%	749	5%	1,099	7%
Contracts	4,179	2,435	58%	116	3%	1,628	39%
Contested Matrimonial	3,255	2,030	62%	231	7%	994	31%
Tax Certiorari	3,608	3,481	96%	0	0%	127	4%
Foreclosure	6,055	886	15%	140	2%	5,029	83%
Uncontested Matrimonial	23,458	366	2%	14	0%	23,078	98%
Other	21,533	8,218	38%	410	2%	12,905	60%
Total Cases	97,895	49,328	50%	2,608	3%	45,959	47%
Outside NYC							
		#	%	#	%	#	%
Motor Vehicle	10,594	9,536	90%	299	3%	759	7%
Medical Malpractice	1,605	1,493	93%	31	2%	81	5%
Other Torts	8,102	6,937	86%	335	4%	830	10%
Contracts	11,811	5,301	45%	324	3%	6,354	54%
Contested Matrimonial	10,826	7,876	73%	1,331	12%	1,619	15%
Tax Certiorari	14,094	13,419	95%	6	0%	669	5%
Foreclosure	18,523	5,490	30%	814	4%	12,219	66%
Uncontested Matrimonial	19,880	3,255	16%	207	1%	16,418	83%
Other	28,336	14,674	52%	587	2%	13,075	46%
Total Cases	123,771	67,981	55%	3,934	3%	52,024	42%
STATEWIDE							
		#	%	#	%	#	%
Motor Vehicle	27,499	24,609	89%	1,157	4%	1,733	6%
Medical Malpractice	4,102	3,775	92%	121	3%	206	5%
Other Torts	24,507	21,494	88%	1,084	4%	1,929	8%
Contracts	15,990	7,736	48%	440	3%	7,982	50%
Contested Matrimonial	14,081	9,906	70%	1,562	11%	2,613	19%
Tax Certiorari	17,702	16,900	95%	6	0%	796	4%
Foreclosure	24,578	6,376	26%	954	4%	17,248	70%
Uncontested Matrimonial	43,338	3,621	8%	221	1%	39,496	91%
Other	49,869	22,892	46%	997	2%	25,980	52%
Total Cases	221,666	117,309	53%	6,542	3%	97,983	44%

Supreme Civil Data Note: Attorney/firm names are listed in case files in CMS. Each listed attorney/firm is marked P for representation of one or more Plaintiffs or D for representation of one or more Defendants. Any party who informs the court of pro se appearance is listed as pro se. Representation data are not always reported in full to the court by litigants or by counsel. In particular in contract and contested matrimonial cases an attorney representing a party may not be identified when an RJ is filed and then is subsequently identified for the County Clerk's records but not for the court's records. In the final column above: "No Attorneys" means that no attorney/firm name appears in the file for this side; "Possible Pro Se" means that there may or may not be a pro se party listed for the cases in this column.

New York State Unified Court System
Representation of Individual Petitioners and Respondents in Family Courts
Methodology Used To Compile Data

Data were collected from the Universal Case Management System (UCMS-Family) for Support (F), Guardianship (G), Family Offense (O), Paternity (P), UIFSA (U, Uniform Interstate Family Support Act) and Custody/Visitation (V) cases,¹ for:

- all appearances² for
- all original and supplemental petitions disposed in 2009 involving
- individual (non-agency) petitioners and respondents.

Data were examined separately for petitioners and for respondents for each case type. Representation of a Family Court litigant can be inferred by attorney attendance, which is recorded for every Family Court appearance. Attendance data are reported in three categories:

- An attorney was present for this party for **all appearances**.
- An attorney was present for this party at **one or more appearance, but not all** appearances.
- **No attorney was present for this party** at any appearance.

The data were also analyzed to determine the total number of appearances in which a party did or did not have an attorney present.

¹ Excluded from this analysis are case types where litigants are presumed to be represented by counsel, including: Adoption (A), Adoption Surrender (AS), Termination of Parental Rights (B), Abuse (NA), Neglect (NN), Juvenile Delinquency (D), Designated Felony (E) and PINS (S).

² Appearances for control purposes were excluded.

**NEW YORK STATE UNIFIED COURT SYSTEM
ORIGINAL AND SUPPLEMENTAL F, G, O, P, U AND V FAMILY COURT CASES DISPOSED IN 2009
Representation of Individual Petitioners**

Case Type	Attorney for Petitioner Present For							Petitioner Appearances				
	Total Cases	All Appearances		One or More But Not All Appearances		No Appearances		Total Appearances	Attorney Present		No Attorney Present	
		#	%	#	%	#	%		#	%	#	%
NYC												
Support (F)	62,716	1,408	2%	2,743	4%	58,565	93%	140,450	11,549	8%	128,901	92%
Guardianship (G)	2,709	65	2%	248	9%	2,396	88%	9,906	1,177	12%	8,729	88%
Family Offense (O)	28,119	447	2%	5,813	21%	21,859	78%	95,500	19,762	21%	75,738	79%
Paternity (P)	10,035	174	2%	405	4%	9,456	94%	22,572	1,728	8%	20,844	92%
UIFSA (U)*												
Custody/Visitation (V)	52,671	1,982	4%	12,152	23%	38,537	73%	226,304	65,491	29%	160,813	71%
Total Cases	156,250	4,076	3%	21,361	14%	130,813	84%	494,732	99,707	20%	395,025	80%
Outside NYC		#	%	#	%	#	%		#	%	#	%
Support (F)	139,370	6,585	5%	12,453	9%	120,332	86%	306,829	41,903	14%	264,926	86%
Guardianship (G)	1,757	111	6%	304	17%	1,342	76%	5,048	1,043	21%	4,005	79%
Family Offense (O)	37,705	1,763	5%	15,794	42%	20,148	53%	136,604	44,730	33%	91,874	67%
Paternity (P)	11,475	679	6%	1,118	10%	9,678	84%	26,898	3,726	14%	23,172	86%
UIFSA (U)	4,817	643	13%	577	12%	3,597	75%	11,527	3,041	26%	8,486	74%
Custody/Visitation (V)	144,588	16,783	12%	50,034	35%	77,771	54%	489,542	191,275	39%	298,267	61%
Total Cases	339,712	26,564	8%	80,280	24%	232,868	69%	976,448	285,718	29%	690,730	71%
STATEWIDE		#	%	#	%	#	%		#	%	#	%
Support (F)	202,086	7,993	4%	15,196	8%	178,897	89%	447,279	53,452	12%	393,827	88%
Guardianship (G)	4,466	176	4%	552	12%	3,738	84%	14,954	2,220	15%	12,734	85%
Family Offense (O)	65,824	2,210	3%	21,607	33%	42,007	64%	232,104	64,492	28%	167,612	72%
Paternity (P)	21,510	853	4%	1,523	7%	19,134	89%	49,470	5,454	11%	44,016	89%
UIFSA (U)	4,817	643	13%	577	12%	3,597	75%	11,527	3,041	26%	8,486	74%
Custody/Visitation (V)	197,259	18,765	10%	62,186	32%	116,308	59%	715,846	256,766	36%	459,080	64%
Total Cases	495,962	30,640	6%	101,641	20%	363,681	73%	1,471,180	385,425	26%	1,085,755	74%

*There were 6,276 Uniform Interstate Family Support Act cases disposed in 2009. There is a presumption of representation by Corporation Counsel for petitioners in these cases.

Family Court Data Note: These data are based on attendance records which are recorded in UCMS-Family by court personnel for every Family Court appearance. They are not based on notices of appearance or statements by litigants or counsel concerning representation.

**NEW YORK STATE UNIFIED COURT SYSTEM
ORIGINAL AND SUPPLEMENTAL F, G, O, P, U AND V FAMILY COURT CASES DISPOSED IN 2009
Representation of Individual Respondents**

Case Type	Attorney for Respondent Present							Respondent Appearances				
	Total Cases	All Appearances		One or More But Not All Appearances		No Appearances		Total Appearances	Attorney Present		No Attorney Present	
		#	%	#	%	#	%		#	%	#	%
NYC												
Support (F)	77,460	1,423	2%	3,874	5%	72,163	93%	169,555	14,069	8%	155,486	92%
Guardianship (G)	2,694	22	1%	246	9%	2,426	90%	9,857	935	9%	8,922	91%
Family Offense (O)	28,120	83	0%	5,690	20%	22,347	79%	95,518	17,468	18%	78,050	82%
Paternity (P)	21,140	257	1%	665	3%	20,218	96%	45,799	2,268	5%	43,531	95%
UIFSA (U)	6,308	1,035	16%	651	10%	4,622	73%	17,454	3,364	19%	14,090	81%
Custody/Visitation (V)	52,602	1,718	3%	12,358	23%	38,526	73%	226,110	64,076	28%	162,034	72%
Total Cases	188,324	4,538	2%	23,484	12%	160,302	85%	564,293	102,180	18%	462,113	82%
Outside NYC												
Support (F)	196,837	7,029	4%	21,359	11%	168,449	86%	427,922	58,790	14%	369,132	86%
Guardianship (G)	1,637	173	11%	363	22%	1,101	67%	4,734	1,441	30%	3,293	70%
Family Offense (O)	37,731	1,226	3%	15,262	40%	21,243	56%	136,717	40,740	30%	95,977	70%
Paternity (P)	19,675	664	3%	1,986	10%	17,025	87%	49,660	5,176	10%	44,484	90%
UIFSA (U)	5,825	270	5%	636	11%	4,919	84%	14,157	2,024	14%	12,133	86%
Custody/Visitation (V)	143,551	15,996	11%	50,349	35%	77,206	54%	485,979	186,929	38%	299,050	62%
Total Cases	405,256	25,358	6%	89,955	22%	289,943	72%	1,119,169	295,100	26%	824,069	74%
STATEWIDE												
Support (F)	274,297	8,452	3%	25,233	9%	240,612	88%	597,477	72,859	12%	524,618	88%
Guardianship (G)	4,331	195	5%	609	14%	3,527	81%	14,591	2,376	16%	12,215	84%
Family Offense (O)	65,851	1,309	2%	20,952	32%	43,590	66%	232,235	58,208	25%	174,027	75%
Paternity (P)	40,815	921	2%	2,651	6%	37,243	91%	95,459	7,444	8%	88,015	92%
UIFSA (U)	12,133	1,305	11%	1,287	11%	9,541	79%	31,611	5,388	17%	26,223	83%
Custody/Visitation (V)	196,153	17,714	9%	62,707	32%	115,732	59%	712,089	251,005	35%	461,084	65%
Total Cases	593,580	29,896	5%	113,439	19%	450,245	76%	1,683,462	397,280	24%	1,286,182	76%

Family Court Data Note: These data are based on attendance records which are recorded in UCMS-Family by court personnel for every Family Court appearance. They are not based on notices of appearance or statements by litigants or counsel concerning representation.

New York State Unified Court System Representation of Parties in Local Civil Courts Methodology Used to Compile Data

Of the 72 City and District Civil Courts, 49, including the five New York City Civil Court locations, have implemented the Universal Case Management System for Local Civil (UCMS-LC).¹ Data were collected for these 49 courts for:

- cases disposed in 2009
- Civil, Replevin, Supreme Court Transfer, and Landlord and Tenant in all 49 courts²
- Commercial Claims, Small Claims in the 44 courts outside New York City,³ and
- Name Change cases for New York City Civil Court only.
- For all 49 courts, civil cases were categorized as: Commercial, Consumer Credit, Ejectment, General, No Fault, Tort, or Not Specified.

In UCMS-LC representation status of the parties is marked as follows: Counsel, Self Represented or No Appearance. A party is coded “No Appearance” when the court has not been notified that the party is represented by counsel. For this report parties marked “No Appearance” were combined with cases marked “Self-Represented.” Thus, representation of parties in local civil courts is reported in two categories:

- Represented
- Self Represented/No Appearance

¹ Because Nassau and Suffolk District Courts have not implemented UCMS-LC they are not included.

² New York City Civil Court Landlord and Tenant Data is not obtained from UCMS-LC and is based on cases filed, not cases disposed.

³ New York City Civil Court has not implemented UCMS-LC for these case types.

**NEW YORK STATE UNIFIED COURT SYSTEM
LOCAL CIVIL COURT CASES DISPOSED IN 2009
Representation of Parties**

Case Type	Plaintiff					Defendant				
	Represented		Self-Represented/ No Appearance		Total	Represented		Self-Represented/ No Appearance		Total
NYC*	#	%	#	%	%	#	%	#	%	
Civil Total	366,487	99%	4,867	1%	371,354	97,112	26%	279,224	74%	376,336
Commercial	2,246		28			266		2,524		
Consumer Credit	215,153		409			2,178		216,597		
Ejectment	142		151			5		349		
General	22,013		3,029			6,515		24,973		
No Fault	97,710		167			74,551		17,724		
Tort	30		5			17		30		
Not Specified	29,193		1,078			13,580		17,027		
Landlord and Tenant	297,005	96%	11,706	4%	308,711	2,320	1%	306,401	99%	308,721
Name Change	151	8%	1,844	92%	1,995	0	0%	0	0%	0
Replevin	90	99%	1	1%	91	15	15%	83	85%	98
Supreme Court Transfer	4,476	96%	200	4%	4,676	5,979	83%	1,260	17%	7,239
Total	668,209	97%	18,618	3%	686,827	105,426	15%	586,968	85%	692,394
Outside NYC**	#	%	#	%	%	#	%	#	%	
Civil Total	74,788	99%	674	1%	75,462	1,055	1%	77,869	99%	78,924
Commercial	13		2			0		19		
Consumer Credit	4,576		43			48		4,820		
Ejectment	2		0			0		2		
General	238		5			15		295		
No Fault	2		0			2		0		
Not Specified	69,961		624			990		72,724		
Commercial Claim	701	17%	3,522	83%	4,223	188	4%	4,603	96%	4,791
Landlord and Tenant	23,442	70%	9,940	30%	33,382	822	2%	38,885	98%	39,707
Replevin	639	100%	0	0%	639	0	0%	650	100%	650
Small Claim	929	7%	12,212	93%	13,141	1,256	9%	13,219	91%	14,475
Supreme Court Transfer	18	82%	4	18%	22	4	13%	28	88%	32
Total	100,517	79%	26,352	21%	126,869	3,325	2%	135,245	98%	138,579

* In New York City, UCMS-LC has not been implemented for Small Claims, Commercial Claims or Landlord and Tenant. New York City Landlord and Tenant data are collected from a separate data base system.

** These data are from the 44 local courts outside of New York City that have implemented UCMS-LC. Nassau and Suffolk District Courts have not yet implemented UCMS-LC.

UCMS-LC Data Note: Representation status of parties in Local Civil Courts is marked as follows: Counsel, Self-Represented or No Appearance. A party's representation status is marked as No Appearance when the court has not been notified that the party is represented by counsel.