

§ Benchmarks

JOURNAL OF THE NEW YORK STATE UNIFIED COURT SYSTEM

Court Security Task Force Issues Report

IN MARCH 2005, IN THE WAKE OF A rash of courthouse violence in other states, Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman convened a Task Force on Court Security to conduct a top-to-bottom review of courthouse security in New York State. Co-chaired by Administrative Director Lawrence Marks and Chief of Operations Ronald Younkins, the Task Force issued its report this fall. After examining every aspect of court security — including training, equipment, prisoner transport and protection procedures, facility design, emergency preparedness planning and threat assessment — the Task Force found it to be comprehensive and effective. The Task Force also identified a number of specific areas in which security could be enhanced.

Chief among the Task Force's recommendations are proposals designed to ensure greater uniformity in security protocols throughout the state. The absence of a uniform protocol is due to the fact that, depending on location, responsibility for courthouse security rests on different government entities. In some parts of the state, the judiciary's own officers provide security, while in other parts security is provided by the county sheriff or city police department pursuant to contract with the court system. In the justice courts, the town or village government determines what, if any, security is provided. Recognizing the value of standard protocols and the existence of threats in every court-type and level, the Task Force proposed a number of steps to encourage uniformity of security practices, regardless of what entity provides security, as well as adoption of best practices in areas ranging from entry-screening to equipment to methods of securing and escorting criminal defendants.

The Task Force also recommended reforms in **CONTINUED ON PAGE 4**

New York State's Largest Courthouse Opens in Brooklyn

BY ANITA WOMACK-WEIDNER

NEW YORK STATE'S LARGEST AND MOST TECHNOLOGICALLY-advanced courthouse — the Brooklyn Supreme and Family Courthouse — opened in July.

Just blocks from the Brooklyn Bridge, the new courthouse at 330 Jay St. stands 473 feet tall with 32 stories and 1.1 million-square feet of space. The courthouse, which houses Kings County Supreme Court Criminal Term and Kings County Family Court as well as more than a dozen city agencies and five floors of undeveloped commercial space, has more square footage and courtrooms than any other in the state.

The facade of the \$670 million building combines brick, green glass and stone into a modern building with traditional elements that blend with existing Brooklyn architecture. The two courts occupy 25 of the 32 stories.

Criminal Term has 50 courtrooms, having relocated from two sites, 360 Adams St. and 120 Schermerhorn St. There is a 750-person jury assembly room where potential jurors can comfortably wait while surfing the Internet or watching cable news (see technology story, page 2); a 300-person detention facility, where prisoners are brought in through an underground tunnel; and an internal cell block that holds 250 prisoners, reducing the number of bus trips made by the Department of Correction. Separate elevators for judges of both courts take them from underground parking to their chambers and courtrooms.

"It's clean and impressive," said Administrative Judge for the 2nd Judicial District Neil Firetog. "That's what you want. You want to have a place that you feel the majesty. When you come into the building you feel that you are going to receive justice here. I can see the effect it has on everyone — litigants, staff, judges and lawyers."

Family Court, with 34 court and hearing rooms, relocated from 283 Adams St. A number of victims' services and children's agencies that typically are involved in court proceedings have office space in the new building as well.

Kings and Richmond Counties' Family Court Supervising Judge Jane Pearl said the new facility "raises the dignity" of both litigants and attorneys, especially the self-represented. "It also raises the morale of the judicial and nonjudicial personnel who serve the public," she said. "It

communicates that family and children and safety are important issues." New technology, such as the option of taking a child's testimony by telephonic appearance or closed-circuit television, helps to communicate that message, Judge Pearl added.

There are three separate entrances and lobbies, one each



PHOTOS: TED ERMANSOONS

Left: Brooklyn Supreme and Family Courthouse
Above: Entrances to each courthouse

for Family Court and Supreme Court and a third for commercial office space. The public cannot go from one court to another without exiting the building and using the proper entrance. The entrances to both courts are on the north-east corner of the building.

Building such a large, combined-use facility in downtown Brooklyn meant considering factors not ordinarily involved in courthouse design (see interview with architect, page 2), as well as community issues such as pedestrian and vehicular traffic, parking, security and the density of high-rise buildings in the area.

Unlike most courthouses, which are built as public works by local government or through the New York State Dormitory Authority, the new courthouse was built through a unique public-private partnership between the city and private developer Forest City Ratner. By statute, local governments are obligated to provide court facilities, and the city of New York established the Jay Street Development Corporation to develop and finance this project. The building was actually built as a commercial "condominium," with the city originally leasing, then exercising its option to buy, the court portion.

The Schermerhorn facility will be renovated and used exclusively for Criminal Court, while 360 Adams St. will house all of Supreme Court Civil Term. The Department of Education will temporarily be housed at 283 Adams St.

The official ribbon-cutting for the new courthouse will be held this fall. ■

Court of Appeals Sustains New York's Ban on Broadcast of Trial Court Proceedings

BY MARC BLOUSTEIN

TO A GENERATION THAT BECAME absorbed in O.J. Simpson's televised trial in the mid-1990s, and that now can regularly watch trials on Court TV, it may come as a surprise that, in 2005, television and radio stations have no legal right to enter a New

York courtroom and broadcast its proceedings to the public.

That was the ruling of the New York State Court of Appeals last June in Court TV's challenge to New York's 53-year-old ban on audio-visual broadcast of most trial court proceedings. The Court of Appeals held that, while the press has as much right to

enter a courtroom to observe proceedings as any member of the public has, that right does not extend to permitting the media to broadcast those proceedings to the outside world. Thus, the court concluded, the State Legislature may bar such broadcast altogether. In its decision, the court also clarified that only the Legislature

could lift the present ban.

Section 52 of the state's Civil Rights Law, which codifies the ban, was enacted just after World War II. It was one of many such statutes passed by a great number of states largely in reaction to public indignation at abuses associated with media coverage of celebrated trials in the 20s **CONTINUED ON PAGE 3**

Q&A With Jay Street Architect

PERKINS-EASTMAN DESIGNED THE NEW 32-STORY, 1.1 MILLION-SQUARE FOOT COURTHOUSE for the Brooklyn Supreme and Family Courts located at MetroTech Center in downtown Brooklyn. The firm's specialties include healthcare, housing, laboratories, public sector, senior living and corporate interiors.

Q: Is it more difficult to design and build courthouses than other facilities?

A: Courthouses are very complex, probably more complex than other [types of buildings]. Residential buildings are fairly simple. Office buildings are fairly simple, too. But a building like this is extremely complicated, mostly because of security. There are different entrances for judges, visitors and prisoners. The Supreme Court, Family Court and the commercial office space each had its own

specific needs so we made each one accessible only from the ground floor and each has its own circulation system, lobby and entrance. The planning of it is complex, however, it has to look simple. A person should be able to walk in and know where to go. This building is very efficient. There's no wasted space.

It also is designed for durability. All of the floors are terrazzo (stone chips set in mortar and polished, resembling marble) in the courtrooms. Normally we use rubber, tile or carpet.

Q: Were there any particular challenges in building this courthouse?

A: The shape and bulk of the building were set and we had to fit 80 courtrooms in it.

Q: Would you say designing courthouses is your specialty?

A: Yes, personally, building courthouses is one of my specialties. I'd have to say that it is one that I have the greatest interaction with and knowledge about. Building courthouses is fascinating.

Q: You mentioned security being a primary concern for modern courthouses. What types of security precautions did you undertake?

A: We did a threat assessment study with OCA and New York Police Department Intelligence and determined what was the likely threat to the building. Structural and electronic security issues were examined. The truck dock is lined with reinforced

concrete to resist an explosion. The structural system not only resists car bombs, but protects the building against a progressive collapse of the columns. A blast protection slab was placed between floors separating offices and the courts. All of the windows are made with a composite material of laminate and tempered glass and lined in blast-resistant frames. Columns outside the building and in the public lobbies are all jacketed in concrete for protection from hand-held explosive devices. Jay Street also has more than 4,500 units of the most advanced electronic security equipment.

Q: What is the future of building courthouses?

A: In the 1930s, we built a lot of courthouses. Then there was a while when courthouses weren't being built. The design and image of the modern courthouse have seen a transformation. The forbidden fortress-like structures of the past generations have given way to openness, creating user-friendly and neighborhood-friendly courthouses. The need for natural light, energy efficiency and security are also influencing the design.

I believe we will see a trend toward the large, consolidated courthouse, but whether this will continue well into the future is anybody's guess. In large, urban areas it seems to make sense to consolidate functions to benefit from a number of advantages, such as flexibility to schedule courtrooms and share facilities; ability to better handle security in one location and share administrative functions; and the creation of a substantial economic generator for the area. It's also probably less expensive than building several smaller courthouses, and it promotes and accommodates a unified court system.

As urban sites become even scarcer, it will be difficult to find multiple sites, making a combined court a more attractive alternative. ■



PHOTO: TED ERMANSOONS

Jonathan N. Stark, AIA
Principal and Director
Perkins Eastman

New Courthouse Is State-of-the-Art

BY ANITA WOMACK-WEIDNER

INCREASED SPACE AND NATURAL light have boosted the morale of employees, litigants and lawyers, but the incorporation of the latest technology at 330 Jay Street has set a new standard for New York's courthouses.

Architects, engineers and the technology staff made sure the latest technology was used to enhance everything from what goes on inside the courtroom to how prisoners are brought in and out of the facility. For example: each morning, a computer system in upstate New York downloads calendar data into a server, and the information — including indictment/docket number, parties' names, room and case-status — automatically comes up on a rolling liquid crystal display (LCD) calendar, similar to those in airports, in each courthouse lobby. These LCD calendars are also outside each courtroom. The system was developed in eight months by Peter Pelc and other Supreme Court technology staff. They originally planned on using an outside contractor, but after being quoted a million dollar fee they decided to do the work themselves.

Every courtroom is fully equipped for electronic presentation of evidence, with a retractable screen and media podium from which

attorneys can present evidence in a variety of formats, including VCR and DVD. Laptops can be plugged into the podium for presentations ranging from text to computer animations. Another standard feature is an "illustrated board," which allows a witness to annotate a document, after which a photograph of the annotated board can be printed immediately for marking as an exhibit. All courtrooms meet the Americans with Disabilities Act specifications.

Six courtrooms in Supreme Court have video-appearance capabilities, allowing Riker's Island inmates to participate in brief courtroom appearances by video. Four cameras "give the defendant a visual of everything he would see if he were in court," said Roger Elliott, the court's Principal LAN Administrator. Interview booths allow the inmates to consult with their attorneys. These courtrooms are equipped to handle video camera feeds.

The central jury room offers wireless Internet access so potential jurors can do business or browse the Web while waiting. Monitors are available for those who don't bring a laptop. Drop-screen televisions air 24-hour news channels.

Security includes over 500 video cameras — monitored from three control rooms — with more coming, said Elliott. Doors can

be automatically locked and unlocked. Video images are recorded to a hard drive capable of

recording up to 28 consecutive days. Stored video is recorded onto a CD with a watermark that cannot be altered, which is admissible in court. A swipe card system records data on anyone entering a particular area. ■

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BENCHMARKS is a publication of the New York State Unified Court System, Office of Court Administration

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COURT CONSTRUCTION UPDATE

Right: Bench and well of new courtroom
Below: Justice Building



PHOTOS: RICCI GREENE ASSOCIATES

APPELLATE DIVISION, THIRD DEPARTMENT

The Justice Building, located on the Empire State Plaza in Albany, is a significant landmark in modernist urbanism and serves as the home of the Appellate Division, Third Department. Having outgrown its existing facilities, the court required the expansion of its legal research department and other offices to an additional floor, complete renovation of its courtroom, the addition of two judges' chambers and expansion of the judges' conference room outside the envelope of the existing building.

What's New? The renovation comprised 30,000 square feet of office space on three floors and 2,400 square feet of new courtroom space. The new conference room addition, clad in titanium panels and clear glass, maintains the grid of the existing building and is a crisp, disciplined update of the original modernist expression. The addition was reviewed and approved by the New York State Historic Preservation Office. The renovated courtroom integrates marble and wood paneling and a central lay light to create a sense of uplift to this windowless interior room. The existing ceiling height is increased by five feet, and the new judges' bench is curved to improve sightlines for the five-judge appellate panel.

Architect: RicciGreene Associates
OCA Architect: Ed Rodman

ALBANY COUNTY FAMILY COURT

After years of planning, Albany County Family Court has relocated to a brand new courthouse at 30 Clinton Ave. in downtown Albany. This building replaces the old one located at One Van Tromp St. The old building was 36,000 square feet, and the court had outgrown it years ago. The new Family Court opened on Monday, June 20.

What's New? The new Family Court is 90,000 square feet and includes five courtrooms and three support magistrate hearing rooms. To provide flexibility, one courtroom is designed to handle jury trials. The building has state-of-the-art equipment, including digital-recording systems in the courtrooms, and adult and juvenile holding facilities in the basement. The building is beautifully landscaped and has a grand entrance with limestone pillars and brick facade. The new courthouse was also designed to provide space for ancillary agencies.

Architect: Clough, Harbour & Associates LLP
Crandell Associates
OCA Architect: Michael Hinnenkamp



PHOTO: BBL CONSTRUCTION SERVICES

Albany County Family Court

ERIE COUNTY HALL (Formerly City and Old County Hall)

After 16 years of planning and design, the renovation and reconfiguration of Old County Hall and the Annex Building in Buffalo was finally completed in August. Old County Hall was originally constructed in 1872 to serve as a civic center and courthouse complex for Erie County and the City of Buffalo, replacing widely-scattered government buildings.

What's New? A multi-year project has restored the grandeur of this historic courthouse. Old County Hall now houses six restored Supreme Court civil parts and chambers, including the ceremonial courtroom; Erie County Surrogate's Court, which was moved to the second floor; and the office of the 8th District Administrative Judge. The annex, which was originally constructed in 1964 and housed Erie County Family Court, now houses 21 Supreme and County Court criminal and civil parts and chambers on six floors, as well as offices of the Commissioner of Jurors, chief clerk and court reporters. On April 14, the Court of Appeals inaugurated the restored ceremonial courtroom by holding a one-day session, marking the Court's first official visit to the Niagara Frontier since the 19th century.

Architect: Hamilton Houston Lownie Architects PC
OCA Architect: Ed Rodman



PHOTO: JOE DEANTONIS

Ceremonial courtroom

Broadcast Ban Upheld

CONTINUED FROM PAGE 1

and 30s, notably the Scopes "Monkey" trial and Bruno Hauptmann's trial for the kidnapping and murder of the Lindbergh baby.

Through the 50s and 60s, while the state of audio-visual technology remained somewhat primitive, and there were continued reports of abuses in the sensationalized press coverage of cases elsewhere in the country, New York showed little interest in relaxing its ban. Beginning around 1980, however, things appeared to change. TV had become a focal point of American family

life, and cameras and their associated electronic gear had grown smaller and far less obtrusive. Recognizing this, the Supreme Court of the United States, in 1981, rebuffed a Florida defendant's challenge to audio-visual broadcast of his criminal trial, holding that a state may permit radio, TV and still-photographic coverage of a trial even over the defendant's objection. At this point, many states began rethinking their reluctance to permit cameras in their courtrooms.

In 1982, New York joined this trend and, by 1987, the Legislature

adopted the first of what would be four two- to three-year experiments relaxing Section 52's broadcast ban and permitting the press, under some circumstances, to televise court proceedings. It appeared as if cameras in the courts were here to stay. In 1997, however, the last of these experiments ended, and they have not been renewed since — even though there is no evidence that, while they ran, there were any of the abuses that originally inspired enactment of Section 52.

Many commentators blame this on the O.J. Simpson trial. They

believe that, far from educating and informing the public, media broadcast of that trial brought out the worst in its participants and made a mockery of justice. Whatever the reason, any movement to bring cameras into the courtroom has stalled. With the Court of Appeals' recent decision confirming the Legislature's exclusive right to determine if and when court proceedings may be aired electronically, the future of New York's nascent movement in broadcasting trials is uncertain. ■

Marc Bloustein is the First Deputy Counsel, OCA's Counsel's Office.

Mohawks To Vote on Creating First Family Court on New York Reservation

BY ANITA WOMACK-WEIDNER

MEMBERS OF THE ST. REGIS Mohawk tribe will vote in October on a referendum to create the first Family Court located on a reservation and run by Native Americans in the State of New York.

"There has always been a need for a Family Court," said James Bay, 32, the commissioner of the St. Regis Mohawks' Human Services Division, where he heads up \$5.6 million in state and federally-funded programs that he says span services from "pre-life to death."

The territory called Akwesasne ("land where the partridge drums," or good hunting ground) is located in Franklin County and straddles the international boundary with Canada, into Quebec and Ontario.

This summer, 1,000 Mohawks narrowly voted to create a tribal court system. In October, members of the reservation will decide if they will start with a Family Court. Russ Jock, St. Regis Mohawks' Research and Development Coordinator, said he is confident the measure will be approved Oct. 19.

New York law defines Native American tribes as domestic, dependent nations or communities. Tribes are protected by the doctrine of sovereign immunity and cannot be sued without the consent of Congress. Because Indian tribes are distinct political societies, they have the

THE NEW YORK FEDERAL-STATE-TRIBAL COURTS FORUM

For three years, the Tribal Courts Committee of the Unified Court System, chaired by New York County Supreme Court Justice Marcy Kahn and Bronx County Supreme Court Justice Edward Davidowitz, has worked to help establish the New York Federal-State-Tribal Courts Forum. The forum's purpose is not only to foster cooperation and understanding between justice systems but also to develop educational programs for judges, tribal chiefs and Native communities; coordinate the integration of Indian

Child Welfare Act training for child care professionals, attorneys, judges and law guardians; develop mechanisms to resolve jurisdictional conflicts; and discuss possible inter-jurisdictional recognition of judgments. Tribal nations are being encouraged to include their laws on a tribal-law database. The Forum's current Native facilitator is Russ Jock. The non-Native facilitator is Supreme Court Justice Hugh Gilbert, Supervising Judge, Family Courts, 5th Judicial District. ■

right to make all laws and regulations for the government and protection of their persons and property, consistent with the Constitution and laws of the United States.

"They have executive, legislative and judicial powers that any government would have," said Judge Stewart Hancock Jr., a retired New York Court of Appeals judge who is now an Oneida tribal court judge. However, while tribal courts may have jurisdiction over most misdemeanor offenses, "anything that would amount to a serious felony would not be allowed in any nation court."

If the referendum is approved, tribal members will not only be in charge of all child welfare services including child protection, foster care and adoption, they will also serve as judges after undergoing formal judicial training. "We felt the next step for achieving more inde-

pendence in how we deal with our kids and our families is to open a Family Court," said Bay.

The Mohawks want control over a Family Court because this court decides the fate of children, and Mohawks believe the future of their tribe lies with their children. Currently, if the parents of a Mohawk child die and there are no blood relatives on the reserve, the child is placed in a state foster care facility. "In a lot of the state and federal codification ...the interpretation of family is very strict," said Bay. "If someone is not biological family, it excludes them from the permanency process and it hinders the local options from being included in the process of finding a permanent home. We define our clan, our community, as family. When we set up our own Family Court, we can change the definition of family in

the code and keep more children within the Mohawk tribe."

The court will be based on the state model, but Mohawk tribal customs will be incorporated, such as using a peacemaker or elder to create binding resolutions to some disputes instead of forwarding the case to Family Court.

While the Mohawks are intent on sovereignty, their biggest hurdle may be geographical. A treaty between the U.S. and Canada allows Mohawks to freely travel across the border, but the laws of the two countries are different. Bay hopes to have a court system that supports the needs of Mohawk families on both sides of the border.

Bay was asked if there were Family Court issues that had been complicated by the border issue. "We have a case right now in which the mother is Mohawk and the father is from another nation, but he has primary custody," Bay said. "He's concerned that the mother could take the children into Canada and out of his reach. We need to develop formal agreements that allow our Mohawk children access to their entire range of extended family regardless of which parent has custody and without the complications of cross-border restrictions on jurisdiction."

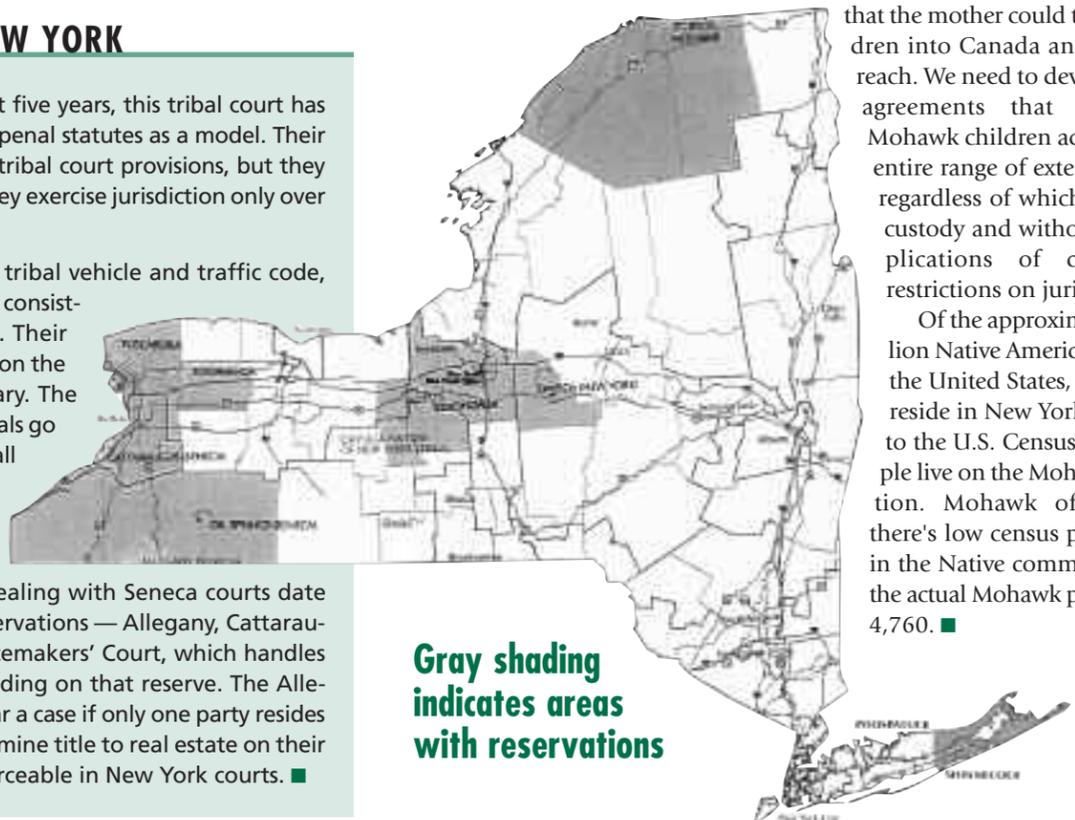
Of the approximate 1.9 million Native Americans living in the United States, over 46,000 reside in New York. According to the U.S. Census, 2,699 people live on the Mohawk reservation. Mohawk officials said there's low census participation in the Native communities, and the actual Mohawk population is 4,760. ■

TRIBAL COURT SYSTEMS IN NEW YORK

Oneida Indian Nation: In existence for about five years, this tribal court has developed slowly, relying on New York's penal statutes as a model. Their civil code is patterned after federal and tribal court provisions, but they have their own vehicle and traffic law. They exercise jurisdiction only over nation or tribe members on nation land.

St. Regis Mohawks: The Mohawks have a tribal vehicle and traffic code, loosely-based on sections of New York's, consisting primarily of safety-related offenses. Their code is civil, placing the burden of proof on the ticketed motorist. Penalties are monetary. The court has two peacemakers/judges. Appeals go to the Tribal Council, which also handles all internal land and other disputes.

Senecas: The oldest tribal court system is the Senecas' Peacemakers' Court. Earliest reports of New York statutes dealing with Seneca courts date from 1847. Each of the three Seneca reservations — Allegany, Cattaraugus and Tonawanda — has its own Peacemakers' Court, which handles disputes between Native Americans residing on that reserve. The Allegany and Cattaraugus courts can also hear a case if only one party resides there. They can grant divorces and determine title to real estate on their respective reserves. Judgments are enforceable in New York courts. ■



Gray shading indicates areas with reservations

Court Security

CONTINUED FROM PAGE 1

training and deployment. The reforms include increasing initial court officer training from 10 to 14 weeks, developing a new state-of-the-art residential court officer academy and developing protocols for redeployment of uniformed officers to promptly rectify staffing imbalances between courts.

In the area of physical infrastruc-

ture, the Task Force proposed updates to court design standards to "harden" courts against preventable risks and developed an assessment tool for identifying security weaknesses in existing courthouses. Among the issues addressed are "set-backs" and other courthouse perimeter issues, circulation patterns within courthouses, duress alarms, bullet-resistant shielding and blast-proof windows, emergency generators, networked digital

security cameras, and special issues relating to the location and design of mail rooms.

The report also proposes legislative and budgetary initiatives to assure needed resources and fill gaps in state law, including funding for upgrades in security infrastructure and equipment and expansion of the Justice Court Assistance Program to subsidize security enhancements in the Town and Village Justice Courts. Beyond funding, the report

urges legislative authorization for continued and expanded use of "electronic appearances" in criminal cases to reduce inherently dangerous prisoner transportation between courts and jails, and legislation to enhance penalties for crimes committed against judges and nonjudicial employees with intent to influence, impede or seek retribution for official judicial proceedings.

The report is available at www.nycourts.gov/reports. ■



Parent Education Advisory Board Update

THE PARENT EDUCATION AND AWARENESS

Program was created in 2001 by Chief Judge Kaye to foster increased utilization of parent education by judges for families in the midst of divorce or custody proceedings. At the same time, she appointed the Parent Education Advisory Board, chaired by Supreme Court Justice Evelyn Frazee of Rochester, to develop uniform standards for parent education programs to which courts would make referrals and to oversee their implementation.

Parent education focuses on helping parents understand the effects of their breakup on their children. It seeks to promote children's healthy adjustment by educating parents as to how to help their children through the period of transition and beyond. Experience shows that parents who attend these programs are more likely to reach a negotiated resolution of their dispute and less likely to return to court.

"We make parents more aware of how they may be putting their children in the middle of conflicts and how it's negatively impacting their children and we show parents how to deal with the family transitions in ways that do not affect the children," said Judge Frazee. "We also tell parents about age-appropriate reactions to the breakup and when professional intervention is needed. When parent education has been available, it has been embraced and greatly appreciated by the parents."

The board has established a statewide system of certification and monitoring that sets standards parent education programs must meet in order to receive court referrals. These standards include protocols addressing domestic violence and other safety issues.

To date, 46 programs have already been certified by the board, with classes in 38 counties. The board is actively involved in identifying new providers to offer programs at additional sites so that classes are available in all 62 counties.

Additional training for judges and nonjudicial staff begins this fall. Last year's training seminars resulted in helpful revisions to the board's ultimate recommendations and materials, which include a "Parent's Handbook," "Parent Education: Help for Separating or Divorcing Parents" and "Guidelines for Courts." Efforts are underway to enhance the Parent Education Web site and translate the handbook and brochure into Spanish.

The success of the parent education program depends on all members of the court family — judicial and nonjudicial — who work with affected families. Feedback from those who have contact with the program will help the board assess its effectiveness and make necessary modifications. ■

For further information, please contact Raquel Arcena at 914-824-5701, toll free at 888-809-2798, or at nyparent-ed@courts.state.ny.us, or access the Web site at www.nycourts.gov/ip/parent-ed.

Rural Integrated Domestic Violence Courts: 4th Judicial District Makes It Work

BY ANITA WOMACK-WEIDNER

FOR NEARLY TWO YEARS, JUDGE TIMOTHY Lawliss juggled family, criminal and matrimonial cases as the only judge who routinely presided over IDV courts in three counties. While that tri-county arrangement changed in April (giving Franklin County its own IDV judge, Hon. Robert G. Main Jr.), Judge Lawliss continues to preside over IDV courts in Essex and Clinton Counties — and that is in addition to his duties as the judge of the Clinton County Family Court.

IDV courts, based on the one-family/one-judge concept, allow one judge — rather than different judges in different courts — to handle related criminal, family and matrimonial cases where the underlying issue is domestic violence. The goal is to promote better-informed, consistent judicial decision-making, provide integrated services to family members and increase offender accountability while protecting the rights of all litigants. It also improves overall court efficiency.

"The typical IDV court scenario is a woman married to or living with her abuser, with whom she has a child," said Deputy Chief Administrative Judge for Court Operations and Planning Judy Harris Kluger, who oversees IDV court expansion around the state. "He may be charged in a local criminal court with assault, and there may be cases pending in Family Court for custody, visitation or family offense charges."

On alternating Tuesdays, Judge Lawliss can be found in either the city of Plattsburgh (Clinton County) or Elizabethtown (Essex County). Typically the IDV caseload in Essex County can take one-half day to a full day. In Clinton, he has a heavier IDV caseload and generally spends three-quarters to a full day there. On occasion, he handles cases on a Tuesday morning in one place and holds a trial in the afternoon in the other location. The rest of his week is spent in Clinton County Family Court, where he handles about 2,000 cases a year.

"I handle multiple cases involving the same family," said Judge Lawliss. "While it might take a longer period of time in terms of handling the cases that day, it's a lot easier on the families involved. And it's better decision-making on the part of the judge."

Judge Lawliss sometimes makes the 50-mile trek between Clinton and Essex counties near the Canadian border using back roads and going through snow drifts and blinding whiteouts.

"The toughest part of implementing [an] IDV court is back office support," said Judge Jan H. Plumadore, Deputy Chief Administrative Judge for Courts Outside New York City, who was instrumental in the courts' planning when he was the 4th Judicial District Administrative Judge. "It's labor intensive for the judge, but even more so for the back office and great care has to be taken to make sure they don't burn out."

Judge Plumadore called setting up the IDV courts in Essex, Clinton and Franklin counties "a remarkable effort" mostly because "the clerks there are star quality and the three very good District Attorneys worked really hard to get this going."

"Judge Lawliss is a labor-intensive judge," said Chief Clerk of Supreme, County and Family Courts Jan Lavigne. "Everyone leaves his court



Hon. Timothy J. Lawliss

with typed orders. He handles two to three cases per half hour. And let me tell you, to keep that volume going, you have to be so organized. Someone is taking orders. Another staff person is sitting outside and writing orders of protection while he's moved on to the next case."

"The atmosphere in every court will vary with the personality of the presiding judge," said Judge Plumadore. "You will see efficiency and crispness in Judge Lawliss' court. He's very good at reaching the issue and articulating what should be done."

Although an IDV court brings related matters before the same judge, the cases are not consolidated. Each retains its separate identity and is heard separately. Judge Lawliss calls criminal cases first, and only the district attorney and defense counsel can address the court. During a family or matrimonial matter, the district attorney doesn't address the court. Local protocols regarding how cases are called may differ, said Judge Kluger, but each

IDV court maintains the integrity of each case and observes all confidentiality requirements.

"IDV courts are a tremendous step forward in providing what I call true access to justice," said Liberty Aldrich, Director of Domestic Violence and Family Court Programs at the Center for Court Innovation. "The courts aim to simplify the process for victims, but it's not just a question of making their lives easier, it's a question of making the courts available. If you say you have to be in three courts at the same time, you're saying you don't care about making the courts accessible."

New York reorganized its court structure to better meet the needs of people who experience domestic violence, added Aldrich. "New York has taken it a step further than anywhere else in the country by bringing together all of the cases," said Aldrich. "Other states have been working to bring together the civil and criminal parts, but New York is on the forefront."

Visit www.nycourts.gov/ip/domesticviolence for more information about New York's IDV courts. ■

NEW YORK'S IDV COURTS

New York's first IDV courts opened in Bronx and Westchester counties in fall 2001, followed by courts in Rensselaer, Suffolk, Monroe and Onondaga counties. Today, more than three quarters of all New Yorkers live in counties served by IDV courts, in rural communities as far north as the Canadian border, urban centers across the state and suburban areas in central and eastern New York. To date, the courts have assisted more than 4,000 families and handled nearly 17,000 cases.

Ten new IDV sites are planned for this year (bringing the total number to 28) in the following counties: Kings, Niagara, Chautauqua, Broome, Oswego, Hamilton, Fulton, Montgomery, St. Lawrence and Orange. Officials hope to have IDV courts available to all New Yorkers by the end of 2006.

Court Interpreters: Bridging Language Barriers in Court

BY ANITA WOMACK-WEIDNER

KOBINA AMPAH WAS BORN IN Ghana to a father who traveled frequently and a mother who spoke seven languages. Speaking English without a trace of any single accent, Ampah shrugs and states he can only speak five languages: Fanti, Twi, Ga, English and Russian. Yes, that's right, Russian.

Kyung-Sik Song came to the United States in 1982 as a foreign-exchange student who spoke only Korean.

Anna Ng grew up in Hong Kong, was taught English in private school and learned a third language, Sanwei,

communicate with each other.

The Empire State is one of the most diverse states in the country, and with its crowded court calendars, interpreters are a necessary component to make the New York court system run and run smoothly.

"We do this better than anyplace in the country," said Chief Clerk for the New York City Criminal Court Bill Etheridge. "New York has laws for every criminal court where a person who gets arrested is supposed to be arraigned in 24 hours. If we need to get an interpreter in an hour and a half, we can do that. We're talking seven days a week with day and night court."

major cultural issues.

"The legal system can be very different from what happens in their [defendant's] native country," said interpreter Phanessia Liao. "In the back [with the defendant's attorney] you can make the defendant understand what's happening. But once you're in front of the judge, there is no time."

"I'll never forget when I worked as a Spanish translator in Brooklyn, a judge used to say to us all the time, 'you're a tape recorder,'" said Sandra Bryan, OCA's Coordinator for Court Interpreter Services. "Do not embellish, do not explain. You're a machine."

It takes much more than being bilingual to become a court interpreter, said Bryan. Language interpreters must have great listening skills, and the language requirements for this job are far greater than those needed for everyday bilingual conversation. Court interpreters must also deal with the legal vernacular of judges and lawyers, the technical jargon of police officers and the medical terminology used by medical examiners, DNA experts and doctors.

Because such a wide range

of people use the court system, court interpreters have to adapt quickly to the cultural and educational background of each individual in need of their services, to ensure comprehension as well as accuracy.

Although the job can be hectic and challenging, court interpreters say they can't imagine doing anything else for a living. ■

"I'll never forget when I worked as a Spanish translator in Brooklyn, a judge used to say to us, 'you're a tape recorder,'" said Sandra Bryan, OCA's Coordinator for Court Interpreter Services. "Do not embellish, do not explain."

in order to communicate with her mother-in-law.

Ampah, Ng and Song are just three of the more than 300 full-time language interpreters for the Unified Court System, where they translate court proceedings in real time for people who have to appear in court but who are either deaf or speak little or no English. The courts provide translation services for 30 different languages, including American Sign Language.

When Ampah walks into a courtroom and announces that he is the interpreter, few people are expecting a Russian interpreter who is black. Often when court employees see him coming, they say, "No, I don't need a Wolof interpreter, where is the Russian interpreter?"

Most of the interpreters are like Ampah, Ng and Song—immigrants to this country or the children of immigrants. Most of their first interpreting experiences all came about due to necessity. Ampah said African families were often transient migrant workers and children had to learn various languages and dialects to

Court interpreters are given their assignments at the beginning of the day, but carry beepers to alert them to changes in their schedule. Although they are often dashing from one courthouse to another, interpreters say the hardest part of their job is doing their work to the letter of the law while dealing with



left to right: Kobina Ampah, Anna Ng and Kyung-Sik Song



Court Interpreters at New York City Criminal Court

PHOTOS: TED ERMANSOONS

Report from The Judicial Campaign Ethics Center

BY BONNIE BETH GREENBALL

The establishment of the Judicial Campaign Ethics Center (JCEC) was first recommended by the Commission to Promote Public Confidence in Judicial Elections (the Feerick Commission) in its December 2003 report. The purpose of the JCEC is to provide campaign-related ethics advice to judicial candidates. Bonnie Beth Greenball, the JCEC executive director, provides the following report on its first year of operation.

THE JCEC HAD A BUSY FIRST YEAR.

Nearly 200 callers have contacted our hotline (1-888-600-JCEC) seeking ethics advice, information about judicial campaigns and referrals to other agen-

cies. We have handled over 100 ethics matters from judicial candidates inquiring about proposed campaign conduct. Many candidates have sought our advice on multiple matters, and we encourage candidates to contact us as frequently as the need arises. Almost half of our calls have come from "non-judge" candidates.

The JCEC has also talked to judges and candidates in Syracuse, Buffalo, Albany, White Plains and New York City about current issues in judicial campaigns and the services we offer. Training sessions on judicial campaign ethics were provided through the Town and Village Justices Continuing Judicial Education Program and by local trainers to almost all of the 1,900

justices, who run for office every four years.

The JCEC accepts written requests for advice from judicial candidates regarding their own conduct (by e-mail at contactJCEC@courts.state.ny.us, by fax at 212-401-9029, or by hard copy at 140 Grand Street, White Plains, NY 10601). Candidates receive an e-mail or faxed response (the average response time is two business days) as well as a hard copy signed by the Chair of the Judicial Campaign Ethics Subcommittee (five judges who are members of the Advisory Committee on Judicial Ethics). Compliance with the written advice approved by the subcommittee confers the presumption of good conduct for the purposes of any subsequent investigation by the

Commission on Judicial Conduct. That presumption applies only to the individual candidate for the duration of the campaign season. Although the commission does not have jurisdiction over non-judge candidates, once a candidate ascends to the bench, he or she can be removed for unethical conduct during the campaign, as can any incumbent judge. Therefore, it is always best for a candidate who is unsure whether proposed campaign activity may violate a provision of the Rules Governing Judicial Conduct to seek advice from the JCEC. Visit our website, www.nycourts.gov/ip/jcec, to search all campaign-related ethics opinions of the Advisory Committee on Judicial Ethics and review the Judicial Campaign Ethics Handbook. ■

HISTORIC NEW YORK STATE COURTHOUSES

ONTARIO COUNTY COURTHOUSE AND THE SUSAN B. ANTHONY TRIAL

Location: Main Street, Canandaigua, New York

Houses: Supreme, County and Surrogate's Courts and Commissioner of Jurors

Judicial District: Seventh

Built: 1858, expanded and renovated 1908

Architects: Henry Searl (also known as Searle) was the first architect of the present Ontario County Courthouse. Searl went on to be the supervising architect of the U.S. Treasury and designed the master campus plan for Howard University in Washington, D.C.

John Foster Warner, a Rochester-based architect and the son of the prominent architect A.J. Warner, designed the expansion.

Architecture: The Ontario County Courthouse is a two-story Greek Revival building. Its external walls were constructed of brick above stone foundation walls and a limestone water table. The brick walls were surfaced with mastic. Officials believe the courthouse as originally built was covered by a low-pitched cross-gabled roof, probably sheathed with tin pans. A large hemispherical dome with an octagonal base rose above the intersection of these roofs. The base of the dome, which appears to have housed a bell, was pierced by louvered openings that would have allowed for the transmission of sound. The dome was also sheathed with metal pans and surmounted by an octagonal cupola, covered by a small dome. Atop the dome stood a 12-foot statue of "Justice," carved from doweled wooden planks.

Historic Status: On the National Registry of Historic Places, as well as the state and local registry. Ontario County Courthouse was just 15 years old when it was selected as the site of the Susan B. Anthony trial.

THE SUSAN B. ANTHONY TRIAL

On June 17, 1873, suffragette Susan B. Anthony walked through the doors of the Ontario County Court-



...you have trampled underfoot every vital principle of our government. My natural rights, my civil rights, my political rights are all alike ignored. Robbed of the fundamental privileges of citizenship, I am degraded from the status of a citizen to that of a subject...

house and under its large, gold-colored dome to stand trial for "illegal voting" in a federal election because she was a woman.

Anthony had campaigned for the re-election of Ulysses S. Grant and his Republican Party platform that stated it was "mindful of its obligations to the women of America." In 1872 women did not have the right to vote, but Anthony and 50 suffragettes attempted to register in Rochester anyway. Everyone was turned away except for the 15 women who went to the 8th Ward registration office with Anthony. The women were permitted to register in Rochester after arguing their case by reading the 14th and 15th Amendments to the Constitution and provisions of the New York State election law, despite the strong objections of election officials, according to the book "Ontario

County Courthouse: Its History and Restoration." On Election Day, Nov. 5, the 16 women voted. Anthony is said to have voted a straight Republican ticket. Arrest warrants were issued on Thanksgiving Day for all of the women, and in January 1873 a federal grand jury indicted Anthony. Officials declined to prosecute the other women.

Anthony initiated a speaking tour in the Midwest and Rochester, bringing publicity to her upcoming trial. The pre-trial publicity forced the United States attorney to ask that the venue be changed from Rochester. The Circuit Court granted the request, and Ontario County Courthouse was selected as the new venue for the trial.

The trial was greeted with a packed courtroom that included former President Millard Fillmore. Anthony's defense counselors were

Henry R. Seldon, a former judge of the New York State Court of Appeals, and John Van Voorhis. The prosecutor was Richard Crowley. Anthony pleaded innocent to the charges.

During her trial, Anthony was barred from testifying, and Judge Ward Hunt instructed the jury to find her guilty. She was found guilty the next day. Judge Hunt surprisingly asked Anthony if she had anything to say before her punishment was imposed. She did.

"Yes, your Honor, I have many things to say; for in your ordered verdict of guilty, you have trampled underfoot every vital principle of our government. My natural rights, my civil rights, my political rights are all alike ignored. Robbed of the fundamental privileges of citizenship, I am degraded from the status of a citizen to that of a subject; not only myself individually, but all of my sex are, by your Honor's verdict, doomed to political subjection under this so-called Republican government. ... [H]ad your Honor submitted my case to the jury, as clearly your duty, even then I should have had just cause to protest, for not one of those men was my peer, but each and every man of them was a political superior, hence in no way my peer."

Anthony refused to pay her \$100 fine—her only sentence—and officials never pursued the case. However, the election inspectors who allowed her and the other women to vote were similarly tried, convicted, fined and imprisoned. Gifts of money poured in for Anthony, and she used the funds to pay her attorney and the fines of the election inspectors who had been prosecuted, as well as to print a pamphlet of the proceedings of her trial, which was sent to newspapers across the country.

President Ulysses S. Grant later pardoned the election inspectors. While the trial lasted for just two days, its effect would be long-lasting and far-reaching. Anthony would spend the rest of her life fighting for the right of American women to vote. On Aug. 26, 1920 — 14 years after her death — the 19th Amendment to the Constitution was adopted and women won the right to vote. ■

DID YOU KNOW?

Where did the U.S. Supreme Court hold its first session?

The Merchants Exchange Building at the intersection of Broad and Water Streets in New York City. Many people know that New York City was the first temporary capital of the United States, but few know that it was also the site of the first temporary home of the U.S. Supreme Court. The first Chief Justice was John Jay, who had previously been New York's first Chief Justice. The court met on the second floor of the gambrel-roofed hall on Feb. 1, 1790. However, only three of the six justices were present, so the court adjourned until the following day. The justices' first order of business was to appoint a court crier and clerk and to admit lawyers to the bar. The court heard no cases during its first term, and its stay in New York was short-lived. In 1791, the U.S. Supreme Court followed a newly-located Congress and President to Philadelphia. ■

NEW YORK STATE JUDICIAL INSTITUTE

Fall 2005 Calendar Highlights

■ SEPTEMBER 21 - 23

Integrated Domestic Violence Court Training

This program for judges, court staff and agency personnel assigned to newly established Integrated Domestic Violence (IDV) Parts will include a review of applicable criminal, family and matrimonial law and strategies for addressing issues arising in the development of IDV Parts.

■ OCTOBER 6

Lunch and Learn: Ethics Update in Judicial Campaigns

This one-hour program, sponsored by the Judicial Campaign Ethics Center, will focus on the latest ethics issues arising in judicial campaigns.

■ NOVEMBER 1 - 2

New York State Treatment Court Training: New Team Members

The Office of Court Drug Treatment Programs and the Center for Court Innovation will conduct a two-day workshop for drug court professionals who have recently joined a New York drug court team. The training will cover key drug court operational components, including Psychopharmacology of Addiction, Drug Testing Protocols, Treatment Modalities, Cultural Competence, Confidentiality Laws, and Sanctions and Incentives. The training will feature five nationally recognized drug treatment court experts.

■ NOVEMBER 16 - 17

Economics of Tort Law

This is a two-day program providing an economic analysis of law presented by the George Mason School of Law, Center for Law and Economics. Topics to be discussed by leading schol-

ars include: Analyzing Human Choice; Rivalrous and Risky Decisions; The Economic Structure of Tort Law; Negligence, Strict Liability and Causation; Products Liability; Issues in Mass Tort; and Fairness vs. Efficiency.

■ NOVEMBER 18

Prostitution, Trafficking and Domestic Violence: Understanding and Innovation

This morning-long program will present information on the connections between domestic violence, prostitution and trafficking, federal trafficking law and programs for prostituted women. The program is being offered to any interested New York State judge, particularly judges who sit in criminal parts or family court.

■ DECEMBER 1

Lunch and Learn: Discovery

This one-hour program will focus on the use and function of subpoenas for non-party discovery and to compel the production of testimony or documents from the perspective of the permissible limits of the trial judge's authority. The effect of HIPPA and recent amendments to the CPLR affecting the use of subpoenas for the discovery of medical records will be examined.

■ DECEMBER 5 - 9

New Judges' Training

This five-day orientation will be divided into two parts. Part one will consist of lectures on civil, criminal and family law. Part two will include interactive mock trials and simulated courtroom scenarios designed and led by experienced New York State judges.

2005-2006 Legal Updates

The Judicial Institute will continue to provide legal updates for court attorneys statewide. These two-day seminars will include substantive and procedural updates on family, civil, matrimonial and criminal law as well as ethics and professional practice.

■ SEPTEMBER 28 - 29

Rochester Crown Plaza,
70 State Street, Rochester, NY

■ NOVEMBER 1 - 2

Prime Hotel, 534 Broadway,
Saratoga Springs, NY

■ JANUARY 9 - 10

New York State Judicial Institute
84 North Broadway, White
Plains, NY

■ JANUARY 11-12

New York State Judicial Institute
84 North Broadway, White
Plains, NY

■ MARCH 7 - 8

Location to be determined.
Long Island, NY

■ APRIL 4 - 5

Location to be determined.
Long Island, NY

New York State Judicial Institute Receives ABA Award

THE AMERICAN BAR ASSOCIATION honored the Judicial Institute with its Education Award at the group's annual meeting in Chicago in August. The National Conference of Specialized Court Judges, a conference within the ABA's Judicial Division, presents an annual award that recognizes a person and institution of judicial education for providing high quality judicial education and training to judges. Dean Robert G.M. Keating accepted the award on behalf of the institute, which was recognized "not only for its outstanding ability to provide continuing judicial education in several different formats but also for the unique opportunity it provides to judges to learn and interact with colleagues from in-state and around the world," Judge Sharon Hatten, the conference chair, said in a statement. ■

UCS Establishes Katrina Fund to Aid Court Community in Gulf Coast States

TO ASSIST THE COURT COMMUNITY in the states devastated by Hurricane Katrina, the Unified Court System has established the UCS Katrina Courts and Families Recovery Fund. The UCS established a similar fund to assist UCS employees and their families who were victims of the World Trade Center attack.

Donations to the Recovery Fund will be used to assist court personnel and their families in obtaining food, clothing, shelter and medical care, and to help restore the court system in the devastated areas. Tax-deductible donations may be made by check payable to the "UCS Katrina Recovery Fund/FCNY" and mailed to Barry Clarke, Office of Court Administration, 25 Beaver Street, 11th floor, New York, NY 10004. Clarke can be reached at 212-428-2127 or at bclarke@courts.state.ny.us. ■

Benchmarks

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