

# § Benchmarks

JOURNAL OF THE NEW YORK STATE UNIFIED COURT SYSTEM (UCS)



PHOTO: COLLEEN BRESCIA

From left to right: Frank Pastore, Chief Administrative Judge Jonathan Lippman, Elizabeth A. Taylor, Kimberly Kozlowski, Anthony Jimenez, Chief Judge Judith S. Kaye, Ellen Mathews

## 2006 Law Day Theme Celebrates Separation of Powers

**C**HIEF JUDGE JUDITH S. KAYE, CHIEF Administrative Judge Jonathan Lippman, Attorney General Eliot Spitzer and then-president of the New York State Bar Association, A. Vincent Buzard, celebrated Law Day on the steps of the Court of Appeals on May 1 along with the six current associate judges and several former members of the court.

Since 1958, Law Day has been celebrated nationwide each year to remind Americans of how the rule of law helps make democracy possible. This year's theme was "Liberty Under Law: Separate Branches, Balanced Powers," and Judge Kaye reminded the crowd in front of Court of Appeals Hall that "judicial independence has been a cornerstone of American government from this nation's very beginnings."

"In Alexander Hamilton's words, 'there is no liberty, if the power of judging be not separated from the legislative and executive powers. The complete independence of the courts is . . . essential,'" said Judge Kaye. "[A]n independent judiciary has the competence and the courage to hew to the requirements of the law, even in the face of controversy and criticism and outright condemnation."

Attorney General Spitzer spoke about the challenge of applying the Constitution's rights and safeguards in the 21st century and his belief in an "evolving Constitution."

Buzard noted the need to be vigilant in protecting the independence of the judiciary. He took the opportunity to urge the legislature to raise the salary of state judges, whose last increase was in 1999, and to pass Judge Kaye's quadrennial commission proposal to ensure regular cost-of-living increases for judges and officials in the executive and legislative branches.

As is the custom on Law Day, Judge Lippman presented the following annual Merit Performance Awards, the highest honors given to court employees. In addition to the four awarded each year, a special fifth award was given posthumously to a longtime clerk of the Court of Appeals.

**Superior Work Performance:** Kimberly Kozlowski, Principal Court Analyst, Onondaga County Drug Court. As the court's program coordinator, Kozlowski is "the heart and soul" of the court, overseeing day-to-day operations. She is also responsible for the Family Treatment Court and is involved with the state and national drug court training institutes.

**Outstanding Educational Efforts:** Elizabeth A. Taylor, Esq., Principal Law Clerk, Bronx County Supreme Court. Taylor started a program that provides inner-city youngsters with positive exposure to the judicial system and career options in the legal field. In two years, the program has grown sevenfold, this year attracting some 900 students.

**Community Service and Humanitarian Pursuits:** Anthony Jimenez, Management Analyst, Nassau County Supreme Court. In addition to his day job, Jimenez is a certified emergency medical technician and a council member in his hometown of Glen Cove. He is involved in numerous youth activities in his community.

**Heroism:** Frank Pastore, Senior Court Officer, Queens County Supreme Court. Officer Pastore came to the aid of a woman being beaten during a carjacking outside the courthouse. Thanks to his quick action, the victim sustained only minor injuries and the assailant was apprehended.

**In Recognition of Exemplary Service and Dedication:** John J. Mathews, Esq. Consultation Clerk, Court of Appeals. Mathews began his legendary Court of Appeals career in 1948 as a law clerk under Judge Charles S. Desmond. He later became the court's consultation clerk, reviewing every draft and final opinion in cases on appeal, and every internal report on motions and appeals filed in the court. In over 40 years with the court, he became its institutional memory. Mathews, who died on April 7, 2006, served five chief judges, 32 associate judges and five clerks of the court. The award was accepted by his daughter, Ellen Mathews. ■

## On-Line Access to Court Records Tested In Two Counties

**T**WO PILOT PROJECTS ARE ABOUT TO get underway to explore the technological, operational and privacy issues raised by public access to court files on the Internet.

Chosen for their different demographics, New York and Broome counties have been designated as pilot sites for putting court records on-line. The pilots differ in scope and approach. One county is a world financial capital with approximately 50,000 new Supreme Court civil case filings a year, including highly complex commercial matters. The other is an upstate county with a population of just over 200,000 and fewer than 2,000 new civil filings each year. Each pilot will yield important lessons as to how New York's 62 counties will eventually move to on-line access to court records.

The pilots are an outgrowth of the recommendations of the Commission on Public Access to Court Records, whose 2004 report ([www.nycourts.gov/ip/publicaccess/shtml](http://www.nycourts.gov/ip/publicaccess/shtml)) concluded that "the rules and conditions of public access to court case records should be the same whether those records are made available in paper form at the courthouse or electronically over the Internet." Turning this premise into reality presents challenges to both large and small counties.

### The New York County Pilot

The New York County Supreme Court, Civil Branch, is an ideal pilot location because of its significant experience in scanning and posting decisions and orders to the Internet, begun in 1997-98. County Clerk Norman Goodman, a member of the Commission on Pub-

lic Access to Court Records, began scanning judgments in 1999 and pleadings in 2004. Together, they scan approximately 98,000 documents annually.

These documents are available electronically to judges and court and county clerk personnel through Supreme Court Records On-Line Library (SCROLL), a computer application developed by Associate LAN (Local

Each pilot will yield important lessons as to how New York's 62 counties will eventually move to on-line access to court records.

Area Network) Administrator Reginald Bouchereau of the court's Management Information Services office, with Statewide Coordinator of Electronic Filing Jeffrey Carucci's assistance on design and format.

SCROLL also provides — all from a single point of entry — access to the county clerk's minute books (a record of all filings in that office) and the court's case-management information. SCROLL allows judges and court personnel to review a pleading or prior decision, look up the next scheduled appearance or obtain other case information without requisitioning the physical case file.

As part of the pilot, which begins in September, two significant changes to this system are being implemented. First, SCROLL is being made available to the public through the Unified Court System (UCS) Web site. Second, scanned documents will include preliminary conference and other case-management orders, requests for judicial intervention, notes of issue, orders to show cause and notices of **CONTINUED ON PAGE 5**

## Divided Court of Appeals: Upholds Ban on Same-Sex Marriage and Overrules Depraved Indifference Precedent

**A** DIVIDED COURT OF APPEALS HAS FOUND THAT THE NEW YORK STATE Constitution does not require granting same-sex couples the right to marry. In a 4-2 decision on July 6 (*Hernandez v. Robles* and companion cases), the majority held that "[w]hether such marriages should be recognized is a question to be addressed by the Legislature" and urged that the question be presented to it.

The majority concluded that under the rational-basis standard of review there were at least two grounds that rationally supported allowing only opposite-sex couples to marry, both relating to "the undisputed assumption that marriage is important to the welfare of children."

"First, the Legislature could rationally decide that ... it is **CONTINUED ON PAGE 6**

FROM CHIEF ADMINISTRATIVE JUDGE  
**JONATHAN LIPPMAN**

## A Year in the National Arena As COSCA's 51st President

*The Conference of State Court Administrators (COSCA) provides a national forum to exchange ideas and develop policies and standards relating to the improvement of the administration of justice. Its members are the court administrators of each state, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Mariana Islands and the Virgin Islands. COSCA works closely with the Conference of Chief Justices (CCJ) and the National Center for State Courts (NCSC) to promote public confidence in the courts, ensure access to justice and foster awareness of the judiciary as a coequal and accountable branch of government.*

As this *Benchmarks* issue goes to print, my term as president of COSCA comes to a close. It's been an exciting and challenging year. Among many opportunities to participate in events designed to facilitate state court administration, I want to share with you some of the most memorable moments and accomplishments.

In October, I co-hosted with the CCJ president, Indiana's Chief Justice Randall Shepard, the first meeting of COSCA and CCJ with the Congress-

sional Caucus on the Judicial Branch to discuss issues of common concern, including court security and state court access to federal funding streams. At a January meeting with U.S. Attorney General Alberto Gonzalez, I represented COSCA in a discussion of issues of importance to state courts. In May, I took part in a congressional roundtable cosponsored by COSCA — The Role of Courts in the Lives of Foster Youth — at the Capitol in Washington, D.C., a bipartisan discussion of legislative and judicial branch leadership efforts to reform the child welfare system. I also met this year with representatives of the Association of Canadian Court Administrators to discuss a possible joint meeting, another first for COSCA.

Throughout the year, COSCA's work demonstrated its commitment to a proactive agenda. Most notably, it has strengthened its role in the planning and implementation of federal policies and procedures affecting the administration of justice in the state courts. COSCA advocated for amendments to the Secure Access to Justice and Court Protection Act of 2005 in the House of Representatives (HR 1751), to

permit local and state courts to apply for federal law enforcement grants and other federal assistance, and proposed that

court interpreter legislation be introduced and incorporated in the Senate version of the Comprehensive Immigration Reform Act (S 2611).

In addition, COSCA worked this year on improving court practices in juvenile delinquency cases; affirmed its commitment to the Elder Abuse and the Courts Working Group; and opposed a measure to restrict the ability of states to use federal child-support incentive payments for child-support program expenditures that are eligible for federal matching payments. COSCA also cosponsored two national summits, one on problem-solving courts and another on justice for children.

This year's COSCA white papers continue a tradition of excellence. In December, we adopted a white paper entitled "The Emergence of E-Everything," which examined policy and logistical issues surrounding the electronic access revolution in the state courts, and established a national action plan to support implementation of the paper's recommendations. In April, COSCA was awarded a grant from the U.S. Department of Justice's Office on Violence Against Women to help implement the recommendations of an earlier white paper on domestic violence. At our August annual meeting, a white paper on emergency preparedness in state courts will be presented. (Once adopted, COSCA white papers are available online at <http://cosca.ncsc.dni.us>.)

As I began my term last August, COSCA celebrated its 50th anniversary as a national forum for justice reform. It has been a privilege to lead the organization at this particular time in its history. And I have been especially proud to represent you and the New York State courts — it is your commitment to the highest standards of excellence and willingness to try innovative approaches that make the New York courts a leader on the national stage.

**From left to right: Judge Lippman, United States Chief Justice John G. Roberts, Jr., and New York State Chief Judge Judith S. Kaye at the presentation of the 2005 NCSC William H. Rehnquist Award for Excellence by Chief Justice Roberts to Judge Louraine C. Arkfeld of Arizona.**



PHOTO COURTESY OF THE NATIONAL CENTER FOR STATE COURTS



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JUDITH S. KAYE  
CHIEF JUDGE OF THE STATE OF NEW YORK

JONATHAN LIPPMAN  
CHIEF ADMINISTRATIVE JUDGE

ANN PFAU  
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

RONALD YOUNKINS  
CHIEF OF OPERATIONS

LAWRENCE MARKS  
ADMINISTRATIVE DIRECTOR

EDITORS

MARLENE NADEL, ANITA WOMACK-WEIDNER

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Comments and article ideas are welcome at [Benchmarks@courts.state.ny.us](mailto:Benchmarks@courts.state.ny.us).

## FOR THE RECORD

The article "Judge Sullivan Serves as a Multi-Hatter in Chenango County," which appeared in our last issue, said that: "Where there is no statutory provision for the election of a Surrogate or Family Court judge for a particular county, the law provide that the County Court judge will serve in those courts as well." Judiciary Law Article 6-A, Section 184 (2) provides that "[E]xcept where a separate surrogate has been or shall be elected, the county judge of each county outside of the city of New York shall be and serve as the judge of the surrogate's court for his county" and refers to those "elected or appointed to the office of surrogate or county judge, where there is no separate office of surrogate" (subdiv. 3).

At the request of Dutchess County Surrogate James D. Pagones, president of the Surrogate's Association of the State of New York, we want to clarify that Article 6, Section 12 of the New York State Constitution provides, in part, as follows:

"a. The surrogate's court is continued in each county in the state. There shall be at least one judge of the surrogate's court in each county and such number of additional judges of the surrogate's court as may be provided by law.

b. The judges of the surrogate's court shall be residents of the county and shall be chosen by the electors of the county." ■

# Court Clerks: Unsung Heroes of the Courthouse

BY ANITA WOMACK-WEIDNER

**IT'S 9:30 A.M. ON A TUESDAY MORNING IN** Onondaga County Courthouse and the courtroom of Syracuse Supreme Court Justice John V. Centra is ready. Terri Fox, a court clerk who has worked in the state courts for 22 years, has made sure of that.

She has a printout of his motion schedule. The court reporter has been scheduled. The attorneys who are to appear have all been notified.

At exactly 10 a.m., Fox enters the courtroom before the judge. Court spectators and lawyers stand and wait for the judge to enter the room and take his seat. Once everyone is seated, Fox stands to the judge's left. She then calls the cases one at a time as the judge confers with the lawyers on both sides to determine the status of their case.

Jan Piché, a court clerk supervisor in Monroe County Family Court, gets in at 8 a.m. that Monday, ahead of the rest of the staff. Piché has worked in Family Court for 10 years. Prior to that she worked as a court assistant in City Court for seven years. The first thing she does when she arrives at the Rochester courthouse is make sure no one has called in sick, which would require moving people around to ensure coverage in all courtrooms. It's also Piché's job to make sure that all judges and judicial hearing officers (JHOs) have a courtroom when they need it.

On this day, some juggling is required, as the courtroom Piché had scheduled for use by a JHO is unavailable because special audio equipment for the deaf and hard-of-hearing is being installed. Ultimately, five of the eight courtrooms will receive the same devices because Rochester has one of the largest deaf and hearing-impaired communities in the country.

Jan Piché and Terri Fox are both court clerks.



**Terri Fox, Court Clerk, Onondaga County Supreme Court**

But they work in different courts in different counties, so their day-to-day duties vary greatly.

"Court clerks are our unsung heroes," said Supreme Court Justice Ann Marie Taddeo, a former Rochester Family Court judge. "It's hard to describe how much goes on in a day, and everyone works together to make sure things run smoothly. If you're not a cohesive group in Family Court, things just won't work. Every so often you'll even find a judge's law clerk come work the counters to help out."

Back in Syracuse, the motion calendar ends by 11 a.m., and because there are no trials scheduled, the rest of Fox's day is spent doing paperwork and scheduling for upcoming civil cases.

She must set up a calendar call for cases and ask lawyers to come to court in two weeks to set trial dates. Once those dates are set, she'll arrange for a courtroom, an interpreter, if necessary, and a jury. During voir dire, she calls the names of prospective jurors. Once the trial starts, she keeps track of the exhibits, which remain in her possession until the trial is over. When the jury returns with a verdict, Fox is the one who formally asks the foreperson if a verdict has been determined.

In civil cases, verdicts are placed in a sealed envelope. It's given to the judge to examine and ensure there are no glitches. Fox then returns the envelope to the foreperson, who reads the verdict aloud. Later, Fox makes copies of the verdict and files a minute sheet. This official record of the trial includes everything from a complete witness list to whether there were any read-back requests or video testimony. She attests to the minute sheet and attaches it to the court exhibits. Nearly

everything in civil trials is available to the public unless sealed.

"When I first started in Supreme Court, I didn't understand the complete roles of all the participants, and then one day when I started asking questions, my secretary would say: 'That's Terri,'" said Judge Centra. "Well, who does this? 'That's Terri.' After six months of being on the bench I realized how important the clerk's job is — they keep a smooth flow of cases coming through."

On this particular day, Fox receives new paperwork from the Supreme Court clerk's office. After processing the information, she makes calls and does scheduling. Pre-trial motions must be scheduled within 30 days. Once the trial note of issue is filed, a conference is held in 30 to 60 days. If a pending case lingers too long, it's her job to send a follow-up letter to help get things moving.

Piché is one of five court clerk supervisors in Monroe Family Court. She supervises clerks on the court staff (except for two in the Domestic Violence Intensive Intervention Court, supervised by Carey Travis); Mary Jo Mahoney supervises clerks in the records room; Chris Broderick supervises clerks in the support intake unit; Marci Morrissey supervises clerks in the support in-court unit; and Janice Ivery supervises clerks staffing the front counter.

"There are always last minute emergencies," said Piché. She has to arrange for last-minute

**After six months of being on the bench I realized how important the clerk's job is — they keep a smooth flow of cases coming through.**

—SYRACUSE SUPREME COURT JUSTICE JOHN V. CENTRA

court reporters and last minute changes in courtrooms. But then, there are rarely enough courtrooms. "I know every Monday, Tuesday, Wednesday, Thursday that I'll have to ask for extra courtrooms unless somebody's out," said Piché. She looks for extra courtrooms in the building, mainly in Supreme and County Courts, and on occasion has had to ask City Court for space.

As we sit in her office and discuss her job, another court employee enters and slips her a form. Piché looks over the fingerprint report of a juvenile and explains she has to look up the name to see if he or she has an active case. If not, she holds on to the document. But when she turns to type in the name, she recognizes it and says: "I know this child is in here."

Everyone in Family Court says working here is the most difficult, but most fulfilling job they can imagine. "We're making the most difference here," said Bobbi Abbott, Associate Court Clerk. "We're dealing with the things that are the most emotional for people — their children and their money." ■



**Jan Piché, Court Clerk Supervisor, Monroe County Family Court**

## New Uncontested Divorce Packet Available

**A COMPREHENSIVE UNCONTESTED** divorce packet is now available to help self-represented litigants seeking an uncontested divorce where no children under 21 are involved. For the many litigants who cannot afford counsel, the packet will help to simplify the legal process.

The booklet does suggest that parties seek the assistance of counsel and provides a list of resources where attorney referrals may be obtained. Realistically, however, court officials recognize that retain-

ing a lawyer is simply not an option for many who seek an uncontested divorce.

In simple question-and-answer format, the packet covers preliminary issues such as whether the litigant is eligible for a New York divorce and whether there are grounds for divorce. The bulk of the packet consists of a practice set of the necessary official forms, which litigants can fill out by following the detailed, step-by-step instructions provided in plain language.

The booklet also provides instructions for serving and filing the necessary court papers.

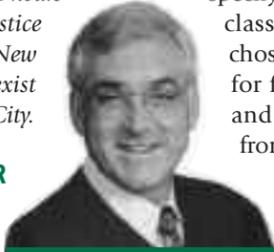
The new packet was created by Statewide Administrative Judge for Matrimonial Matters Jacqueline W. Silbermann in collaboration with Deputy Chief Administrative Judge for Justice Initiatives Juanita Bing Newton. Rick Ross, Executive Director of Strategic Planning, and the Committee on Matrimonial Practice were instrumental in the development of the project.

A packet for uncontested divorces involving children under 21 is being developed. Approximately 50,000 uncontested divorces are filed annually in the state. ■

The uncontested divorce packet is available at no charge at the Supreme Court in every county, as well as on-line at [www.nycourts.gov/litigants/divorce](http://www.nycourts.gov/litigants/divorce) or [www.courthelp.gov](http://www.courthelp.gov).

# The Courts Closest to the People: The Town & Village Courts

Everyone's heard of doctors being on call 24 hours a day, but judges? Town of DeWitt Justice David S. Gideon provides a glimpse into New York's town & village courts, which exist throughout the state except in New York City.



BY HON. DAVID S. GIDEON

## FAR OUTNUMBERING THE OTHER

Courts of the Unified Court System (UCS), the 1,260 town and village courts throughout New York convene on a regular basis to adjudicate a myriad of matters, both criminal and civil. Representing two-thirds of all sitting judges in the state, these approximately 2,200 justices — lawyers and nonlawyers — collected almost \$176 million in fines and fees in 2004, which were distributed to the state, their respective counties and local municipalities.

Long before the existence of the courts of the present-day court system, the existence of the town and village justice, or magistrate, in New York finds its origins during the Dutch and English rule of the

specifying the number of judges as well as their classifications and duties. Justices must be chosen by the electors of the town or village for four-year terms. There is no term limit, and town and village justices are exempt from the Section 25 provision that mandates retirement at age 70 for other judges.\*

Town and village courts have original jurisdiction over misdemeanors, violations, traffic infractions, regular and small claims civil matters not in excess of \$3,000, summary proceedings, local laws and animal cases (involving, e.g., animal cruelty, licensing and leash laws). They have preliminary jurisdiction over felony matters for arraignment and preliminary hearing purposes, as well as limited Family Court jurisdiction when Family Court is not in session.

Unlike other UCS courts, there is no constitutional requirement that a town or village justice be admitted to the practice of law in New York. In fact, as of this writing, only approximately 690 are lawyers. New York is not unique in this respect; several other states also have nonlawyer justices. Also unlike other UCS

judges (sometimes referred to as "state-paid" judges, some of whom started out as town or village justices), compensation is set annually by the respective town or village board and paid by the locality.

All town and village justice positions are part-time, some justices serve in more than one position, and many justices have other jobs. Caseloads vary widely, with some equal to those of busy city courts.

Pursuant to Town Law Section 20, each town has two justices; by referendum of the voters, that number may be increased to four. Likewise, under Village Law Section 3-301, a village has at least one elected justice, and as many as three by permissive referendum of the voters. In the event that the village has only one justice, there is also an acting justice appointed on an annual basis who serves when requested by the village justice or in the absence or inability of that justice to serve.

While localities are not mandated to provide facilities for justice courts, nevertheless, with very limited exceptions, town and village justices must hold court within the geographic boundaries of their municipality. In days gone by, it was not unusual to find these courts being held in the justice's home, farm or business. Today, largely through the efforts of the Office of Court Administration (OCA), they convene only in public places, providing a safer and more open and dignified forum for litigants.

Unfortunately, largely due to the labor costs involved in courtroom security — considered a local expense — the majority of these courts are not as well equipped from a security standpoint as other courts. Efforts are underway by OCA to

## RESOURCE CENTER IS LIFELINE TO TOWN AND VILLAGE JUSTICES

When New York's town and village justices have questions — procedural, substantive, even administrative — about matters ranging from murder arraignments to charges of driving while intoxicated, they can call the City, Town and Village Resource Center.

The center was created in 1990 by the Office of Court Administration to provide legal research and technical support for the approximately 2,200 town and village justices around the state as well as for justice court clerks; more recently it became a resource for city court judges as well. Such assistance, which is particularly helpful to the town and village justices who are not attorneys, was previously available only on an informal basis.

Located in Cohoes, N.Y., just outside of Albany, the center is staffed by four attorneys, one of whom is on call weekdays from 5 p.m. to 9 p.m. to accommodate night court. The justice courts are funded by the local town or village, and all town and village justice positions are part-time (see article, this page).

"The type of questions we receive today versus 20 years ago hasn't changed," said Paul Toomey, supervising counsel of the center and also town justice for Sand Lake in Rensselaer County. "However, the volume has increased." The center receives an estimated 15,000 inquiries a year via phone, fax, e-mails, letters and drop-ins, officials said.

Information about the center is available at [www.nycourts.gov/ea](http://www.nycourts.gov/ea), or call 800-232-0630 or e-mail: [ResourceCenter@courts.state.ny.us](mailto:ResourceCenter@courts.state.ny.us). ■

## The existence of the town and village justice, or magistrate, in New York finds its origins during the Dutch and English rule of the 1600's.

1600's. In colonial New York, justices of the peace were landowners who were appointed for the trial of small causes.

Today's town and village tribunals reflect relatively recent codification following a lengthy period of existence under somewhat murky rules that led to conflicting results. Under Article VI, Section 17, of the New York State Constitution, effective Sept. 1, 1962, the state legislature is charged with the power to regulate the town and village courts,

## ACTION PLAN FOR JUSTICE COURTS ANNOUNCED

Steps will be taken by the fall to improve the operations of the state's locally funded and staffed town and village justice courts, with particular focus on issues relating to fiscal management. An action plan, announced June 19, will be developed by OCA Administrative Director Lawrence Marks and Chief of Operations Ron Younkens with the assistance of an advisory group of town and village court justices and several OCA and justice court officials. An audit of 32 justice courts, released in May by the state comptroller's office, revealed money had been mishandled in 11 of the 32 courts audited. While most instances reflected poor record-keeping or financial mismanagement, in one instance a court clerk pleaded guilty in connection with missing village funds. ■

address these concerns.

All town and village justices must attend 12 hours of judicial education annually. Upon first assuming office, nonlawyer justices are required to attend a six-day training course. Like other judges, town and village justices are required to tour holding, juvenile-holding and jail facilities within the county where they sit, once every term.

Although the position is part-time, a town or village justice is "on call" 24 hours a day, 365 days a year, often being called in for an arraignment in the middle of the night.

Under often less than optimal working conditions, with relatively low compensation and "on-call" status, the town and village justices of New York are dedicated public servants who administer justice with feeling for the community that they serve. ■

\*Retired justices of the Supreme Court may be "certificated" to serve a maximum of three two-year terms once they reach the age of 70.

## Improvements to Come in Court Interpreting Services

THE NEW YORK STATE UNIFIED COURT System in April announced it is evaluating and revamping its court interpreting services across the state to better meet the needs of litigants. The goal of the action plan is to improve the recruitment and assessment of interpreters and manage limited interpreter resources.

Thirty percent of New York residents — nearly five million people — primarily speak a language other than English at home. In all, over 160 distinct languages are spoken in the state. While the diversity of people and lan-

guages is one of the state's strengths, it is also a challenge to the court system.

Only parties to a criminal action are legally entitled to an interpreter, but the New York courts strive to offer interpreting services in as broad a range of civil and criminal proceedings as possible.

Key components of the plan include:

- Statewide expansion of e-scheduling — an on-line program to help court managers quickly find and schedule interpreters in over 100 languages (see technology article, page 5)

- Statewide expansion of remote interpreting by September — interpreters provide services via video conference or telephone from a remote location (also for non-courtroom settings, e.g., offices for the self-represented)

- Increase in the pay rate for per diem interpreters to \$250 a day from \$125
- Half-day engagements for per diem interpreters at the rate of \$140

- Improvement in testing and certification procedures

- Standards for recognizing court interpreters certified by other states

- A Working Group on Translation to develop and oversee a plan for the translation of print, on-line and video materials and identify Web site portions for translation

- A Senior Court Interpreter position for sign language with supervisory responsibilities

- Training program for new court-employed interpreters, and expanded training for judges and court personnel.

For a copy of the plan, call 212-428-2500, or go to [www.nycourts.gov/whatsnew](http://www.nycourts.gov/whatsnew). ■

## New Search Engine For Court System

■ **WOULDN'T IT BE GREAT IF YOU COULD SEARCH** the Unified Court System's public Web site as easily and efficiently as you could Google?

Well, now you can.

As of April 21, the New York State Unified Court System began using Google as its official search appliance for [www.nycourts.gov](http://www.nycourts.gov). The Google Search Appliance represents state-of-the-art technology and is an integrated hardware and software product designed to give businesses and the government the power and efficiency of a Google search.

The appliance makes the sea of data published on our servers instantly available (except court decisions and appearance dates) from a single familiar search box. Employees and the public can now search over 100,000 documents using the most advanced search features available, such as foreign language queries (the appliance supports over 100 languages) and search results sorted by date.

Court decisions and court dates are provided through links on the e-courts Web page at <https://iapps.courts.state.ny.us>. ■

## E-Scheduling for Court Interpreters

■ **SCHEDULING COURT INTERPRETER** services across the state just got easier.

Sandra Bryan, Coordinator of Court Interpreting Services, says a new computer system that allows court personnel to electronically schedule court interpreters across the state will be fully operational this summer.

A pilot program has been operational this past year in the 7th Judicial District, New York City Civil Court and Queens Supreme Court.

Court personnel who schedule interpreters will have access to the program via a password. Once the system is accessed, administrators will make selections from several pull-down screens or areas where information is entered, including the court, county, court part, primary language, index/docket number, case type, appearance date, start time and end time. Once information is submitted, a list of available interpreters is displayed, prioritized to first provide names of court-employed inter-

preters, then per diem interpreters and lastly translation businesses and agencies.

The system also lets officials know if a court interpreter has been tardy or missed scheduled sessions altogether. The program shows how many times an interpreter has been scheduled in a given court, in case an administrator wants to spread the workload. Since the system is in "real time," it allows more than one employee to schedule for a particular court and alerts officials if an interpreter for a particular language has already been scheduled for their court on a given date. A decision can then be made as to whether to schedule more than one interpreter.

The program also provides useful information to court officials on a daily basis about interpreting services in other courts. It displays the names and languages of interpreters actively engaged in neighboring courts on a particular day, which is helpful for last minute needs and requests. ■

## Fiber Ring Technology: The Backbone of Court Communications

■ **TEN YEARS AGO, ONLY 13 OF THE 62 COUNTIES** in the Unified Court System (UCS) could access centralized case information on the mainframe. There was no technological infrastructure to support any statewide initiatives, such as an e-mail system. Most employees didn't even have computer terminals.

Today, CourtNet, a state-of-the-art network, connects over 250 court buildings statewide. "The goal of CourtNet is to connect everyone in the court system statewide into a high-speed reliable network for court operations," said Sheng Guo, Chief Technology Officer of the UCS Division of Technology.

The CourtNet backbone is comprised of 545 miles of dedicated fiber connecting courthouses in New York City and seven counties (Nassau, Suffolk, Westchester, Albany,

Rensselaer, Schenectady and Saratoga), in addition to leased high-speed connections in five major cities (Buffalo, Rochester, Syracuse, Binghamton and Poughkeepsie). The backbone was engineered to achieve maximum redundancy and availability. For example, if a fiber cut occurs in the optical ring, traffic will be automatically rerouted over the reverse direction.

The optical backbone provides the UCS with unprecedented network reliability and performance. In the past, a T1 line (a fiber optic or copper line) at 1.5 million bits per second was considered a high-speed connection. In contrast, a typical fiber connection today can transmit a billion bits per second. That means a two-hour movie could be transmitted in 1.2 minutes using the new optical network,

compared with 13 hours to transmit the same information using a T1 line. The end result is the court system has the ability to provide case-management applications and phone, e-mail and video services to court users statewide, using a fast, reliable connection.

CourtNet enables the deployment of many innovative court solutions, including UCMS (Universal Case Management System, a single, standardized statewide computer application for all courts); videoconferencing; VoIP (Voice-Over Internet Protocol, merging computer and phone technologies to give courts a more adaptable phone system); distance learning; video streaming (playing video upon arrival without downloading); security surveillance; and Wi-Fi (Wireless Fidelity) Internet access for the public. ■

## On-Line Access Pilots CONTINUED FROM PAGE 1

motion. Due to volume, affidavits, exhibits and other supporting motion papers will not be scanned.

As a result, attorneys and members of the public will have remote access to a "virtual" file of the court's civil cases. Access will be without fee or the need for a password or other identification.

Decisions and orders in matrimonial and Mental Hygiene Law Article 81 guardianship cases will not be posted to the Internet, nor, of course, will decisions and orders where the case file or a portion thereof has been sealed by court order.

To protect privacy interests relating to scanned documents, the court has provided guidelines for litigants and attorneys, cautioning them to omit personal information, such as Social Security numbers, names of minor children and financial account numbers, from court filings. There is also a mechanism for requesting that a court record be kept off the Internet for good cause.

"We believe this project will transform the ancient, traditional route of

access to our court records, which for centuries has required a trip to our county clerk's office," the court's First Deputy Chief Clerk Robert C. Meade, Esq., said. "We are, for the first time, making a vast volume of our records accessible on the Internet. Attorneys will have access to a wealth of information about their cases without leaving their offices. We are also enhancing general public awareness of the workings of our system of justice."

### The Broome County Pilot

Broome County's public-access pilot gets underway this summer. This pilot also will pull information from Supreme and County Courts and the county clerk and make it available electronically to the public along with scanned images of documents in the court file.

While Broome County has fewer filings, its pilot goes beyond the New York County project in two respects. First, it includes criminal records as well as civil records. Criminal case records (except

information already not public) will be available to the public over the Internet once the case is resolved at the trial level. Second, the entire file in civil cases, including supporting motion papers, will be scanned and made available.

Case information and records will be available initially through the county clerk's Web site ([www.gobroome-county.com/clerk](http://www.gobroome-county.com/clerk) or [www.gobcclerk.com](http://www.gobcclerk.com)). It will eventually be available through the UCS Web site as well.

Unlike the New York County pilot, attorneys and members of the public will need an account and password to access court records.

In addition to providing Internet access, the Broome project seeks to reduce duplicate data-entry and increase efficiency by allowing data-sharing between the courts and the county clerk's office. Their respective staff will be able to take advantage of internal electronic access to records and case information, reducing the need to send paper records back and forth between chambers and the coun-

ty clerk's office. This will be especially helpful for those judges whose chambers are located outside the county.

Guidelines for litigants and attorneys regarding preparation of documents and exclusion of sensitive information will be similar to those of the New York County project. "There's a good deal of work going on in terms of redacting information that should not be released to the public, and that's a work in progress," according to Michael P. Husar, Chief Clerk of Broome's Supreme and County Courts.

The project will be governed by formal rules established by administrative order. Representatives from the county's civil and criminal bar have participated in the development of the project and its guidelines.

Deputy Chief Administrative Judge for Court Operations and Planning Judy Harris Kluger and OCA Chief of Operations Ron Younkens are overseeing the implementation of the court system's efforts to provide public access to court records on-line. ■

# Report Calls for Permanent Indigent Defense Entity, Overhaul of Current System

**A COMMISSION CHARGED WITH** examining New York State's indigent defense services has recommended a total restructuring of the system based on its finding that the current model — a patchwork of programs — is inadequately funded and dysfunctional.

"Nothing short of major, far-reaching reform can ensure that New York meets its constitutional and statutory obligations to provide quality representation to every indigent person accused of a crime or offense," the June report states. "There must be a statewide defender system. Only through such a system

**“The time for further study is over. The crisis in indigent representation in this state is a well-documented fact. The time for action is now.”**

can constitutional mandates for quality indigent defense representation be realized."

New York is one of only six states without some statewide oversight in this area.

The report isn't the first to examine the adequacy of indigent legal representation in criminal cases in the state, and it chronicles the history of attempts by various organizations over the past 40 years to call attention to the problem. To assist the commission in its work, the Spangenberg Group, a nationally-recognized research and consulting firm specializing in indigent defense systems, conducted the most comprehensive study of indigent defense representation ever undertaken in the state.

Problems were not confined to particular areas of the state. "[T]he abuses were widespread and across the state in terms of inadequately trained attorneys, overloaded in terms of caseloads of institutional defenders. These defects were widespread throughout the city and state," said Brooklyn Law School Professor William E. Hellerstein, the commission's co-chair and former long-time chief of the criminal appeals bureau of the Legal Aid Society of New York. "I'd been involved in criminal defense more than 21 years and it surprised me and it surprised most of my colleagues," he said. "We were taken aback by the breadth and depth of the problem."

The report calls for immediate action. "The time for further study is over. The crisis in indigent representation in this state is a well-documented fact. The time for action is now."

The proposed statewide defender office would be created by a permanent indigent defense commission with overall responsibility for the operation of the system including the appointment of a chief defender and determination of the locations

of regional and local defender offices. The proposal also calls for the appointment of regional, deputy and local defenders, as well as a conflict defender. The members of the permanent commission would be appointed by the governor, the chief judge and the legislature.

Funding for indigent defense should be provided by the legislature from the state's general fund, not from the counties. "New York's experience since 1965 has demonstrated that a system of minimal state funding with primary financial responsibility at the county level does not work," the report states. "It results in an inadequate and in many respects, an unconstitutional level of representation and creates significant disparities in the quality of representation based on no factor other than geography."

The permanent commission would be charged with pursuing adequate funding for the system's operations. "I guess it would cost an initial \$50 million. But say it costs \$100 million — we have a Constitution and people are being denied their constitutional rights. We keep talking about money, but the constitutional rights of individuals don't come cheap and they must be maintained," said commission co-chair Burton B. Roberts, former administrative judge of Bronx County and also a former Bronx district attorney.

The Commission on the Future of Indigent Defense Services issued an interim report in December 2005. The work of the commission, including its interim and final reports, and the Spangenberg report may be found on the commission's Web site: [www.courts.state.ny.us/ip/indigent-defense-commission/index.shtml](http://www.courts.state.ny.us/ip/indigent-defense-commission/index.shtml). The reports are also available at [www.nycourts.gov/whatsnew/](http://www.nycourts.gov/whatsnew/). ■

## KEY FINDINGS:

- No clear standards for eligibility determination and procedures
- No statewide standard defining "adequate" indigent defense services; no mechanism to enforce any particular standards
- Grossly inadequate allocations for indigent defense (resulting in high caseloads, lack of support services, lack of training, minimal client contact and investigation)
- Significant disparity between prosecutors' resources and public defenders' resources
- Inadequate counseling on collateral issues (e.g., immigration status)
- Need to ensure right to counsel in local justice courts

## JUDICIAL ASSOCIATION SPOTLIGHT



**From left to right: Deputy Chief Administrative Judge for Courts Outside New York City Jan H. Plumadore, Nassau County Court Judge Joseph C. Calabrese and First Deputy Chief Administrative Judge Ann T. Pfau at the annual meeting of the County Judges' Association of the State of New York in June, at which Judge Calabrese was sworn in as its president. Other judicial association news: Queens County Supreme Court Justice Randall T. Eng was elected president of the New York City Supreme Court Justices' Association; Dutchess County Surrogate James D. Pagonis will serve another term as president of the Surrogate's Association; and Nassau County District Court Judge Madeleine A. Fitzgibbon will continue as president of the District Court Judges' Association.**

## Divided Court of Appeals CONTINUED FROM PAGE 1

more important to promote stability, and to avoid instability, in opposite-sex than in same-sex relationships." Second, "[t]he Legislature could rationally believe that it is better, other things being equal, for children to grow up with both a mother and a father." Even with exceptions, the legislature could find the general rule "will usually hold."

The majority rejected plaintiffs' arguments that the restriction called for strict or heightened scrutiny. Although there has been "serious injustice" in the treatment of homosexuals, the majority said plaintiffs failed to persuade them "that this long-accepted restriction is a wholly irrational one, based solely on ignorance and prejudice against homosexuals."

The majority opinion was written by Judge Robert S. Smith and joined in by Judges Susan Phillips Read and George Bundy Smith. Judge Victoria A. Graffeo concurred in the result in a separate opinion.

Chief Judge Judith S. Kaye dissented, joined by Judge Carmen Beauchamp Ciparick, saying the right to marry is a fundamental one (triggering a heightened level of scrutiny) and drawing a comparison to the U.S. Supreme Court's 1967 decision *Loving v. Virginia* (388 US 1) that declared unconstitutional state law barring interracial marriage.

"Under our Constitution, discriminatory views about proper marriage partners can no more prevent same-sex couples from marrying than they could different-race couples," wrote Chief Judge Kaye. "Solely because of their sexual orientation, however — that is, because of who they love — plaintiffs are denied the rights and responsibilities of civil marriage."

The dissent said the restriction does not even meet the rational-basis standard of review because excluding same-sex couples from marriage in no way furthers the legitimate state interest in encouraging opposite-sex couples to marry before they have children.

The Domestic Relations Law does not explicitly prohibit same-sex marriage, but its terminology makes clear that marriage is limited to a man and a woman. Plaintiffs were 44 same-sex couples who were denied marriage licenses and sought declaratory judgments that limiting

marriage to opposite-sex couples violated the state constitution.

Judge Albert M. Rosenblatt took no part in the decision.

In *People v. Feingold*, issued July 5, a divided court overruled *People v. Register* (60 NY2d 270), holding, 4-3, that the relevant standard for determining whether a defendant acts with "depraved indifference to human life" depends on defendant's culpable mental state rather than on "an objective assessment of the risk involved."

The decision turned not on Feingold's conduct but on the trial judge's explicit finding, after a nonjury trial, that Feingold's state of mind was not one of depraved indifference. On constraint of *Register*, which said depraved indifference does not implicate a subjective mental state, the judge found Feingold guilty of first-degree reckless endangerment. Writing for the majority, Judge George Bundy Smith said the conviction could have been upheld "had the fact-finder simply announced a guilty verdict" — i.e., the evidence was sufficient for the fact-finder to have inferred the requisite mental state.

Although *Register* involved a murder charge and *Feingold* a first-degree reckless endangerment charge, the depraved indifference language in the two statutes is identical.

Judges Rosenblatt, Read and R.S. Smith concurred in the decision.

In separate opinions, Chief Judge Kaye, Judge Ciparick and Judge Graffeo dissented, all finding that depraved indifference does not have a subjective *mens rea* requirement. Chief Judge Kaye wrote: "The People did not need to prove, as opined by the trial judge, that defendant acted 'because of his lack of regard for the lives of others' (emphasis added), but merely that he acted *with such disregard*."

The majority and dissenting opinions addressed not only *Register* but also its progeny — a line of cases struggling with whether or under what circumstances a charge of intentional murder may result in a conviction for depraved indifference murder. That question may soon be resolved. On July 6, the court accepted a certified question on this issue from the U.S. Second Circuit Court of Appeals in *Policano v. Herbert*.

Court of Appeals' decisions are online at [www.nycourts.gov/ctapps/](http://www.nycourts.gov/ctapps/). ■

## HISTORIC NEW YORK STATE COURTHOUSES

# HERKIMER COUNTY COURTHOUSE AND THE TRIAL THAT INSPIRED “AN AMERICAN TRAGEDY” BY THEODORE DREISER

**Location:** 320 N. Main St., Herkimer, N.Y.

**Houses:** The Supreme, County, Surrogate's and Family Courts were located here until 1998, when they moved to the County Office Building, a handicapped-accessible facility. The building now houses the Sheriff's Department and the Rural Health Network, a county organization.

**Judicial District:** Fifth

**Built:** 1873 for \$46,471.12

**Architect:** A.J. Lathrop

**Architecture:** Post-Civil War, with a distinctive mansard-roofed cupola

**Historic Status:** On the National Registry of Historic Places, as well as the state and local registries

### THE CHESTER GILLETTE MURDER TRIAL

Chester Gillette, a prep school graduate, began dating Grace Brown, a farmer's daughter, in 1905 while both were working at the Gillette Skirt Factory in Cortland, N.Y. The factory was owned by Chester's uncle, and the Gillette family enjoyed a good reputation among upstate New York's upper crust.

While Cortland was a bustling industrial town, it was small enough that people noticed Gillette was also dating other women. According to historian Mark Simonson in an April 26, 2003, column for "The Daily Star," an Oneonta newspaper, Gillette allegedly promised to marry Brown when she discovered she was pregnant, and he sent her home to her parents' farm in Chenango County to prepare for the wedding. When word reached Brown that Gillette was seeing other women, she wrote to him, begging him to keep his word. Finally Gillette agreed to meet her in the Adirondacks, where she believed they were to be married. He registered at the Glenmore Hotel in Big Moose Lake under an assumed name, Carl Graham.

One hundred years ago, in July 1906, Gillette rented an Adirondack skiff at Big Moose Lake and took Grace, who could not swim, to a remote part known as South Bay, supposedly for a picnic. He brought



along his luggage with a tennis racket strapped to the outside. Brown's body was found in the lake the next day with a gash in her forehead. While it is believed that the luggage was left on land near their picnic site, the tennis racket may have been used in the crime. Gillette left Big Moose Lake and never reported the incident. He was arrested three days later in Inlet, a town in Hamilton County, where he had taken a room at the Arrowhead Hotel under his real name.

Ninety-seven witnesses testified against Gillette before the Herkimer County grand jury. When it came time to impanel a jury for the trial, 240 potential jurors were examined. According to "Historic Courthouses of New York State," many of the jurors seated said they had a strong opinion of Gillette's guilt but could be convinced of the contrary by evi-

dence the defense might submit.

At the trial, people sobbed as the district attorney read Brown's letters to Gillette. It is believed that Gillette was dating a wealthy socialite and felt his situation with Brown jeopardized his future. No one was ever specifically named as the socialite and no one ever came forward. The prosecution argued that Gillette murdered Brown by striking her with the tennis racket. Gillette accounted for the cut by claiming that Brown had slipped and struck her head. He also claimed Brown was despondent about her condition and committed suicide.

The jury found him guilty of first-degree murder, and he was sentenced to die in the electric chair. Gillette's mother led a campaign to save her son's life. A stay postponed the execution until his appeal could be

decided by the Court of Appeals. The sentence of the trial court was affirmed, and the governor denied last minute appeal requests. Gillette was executed at Auburn State Prison on March 30, 1908, never having admitted his guilt.

The trial endures through books, movies and theatrical presentations. Theodore Dreiser's 1925 best-selling novel "An American Tragedy" is based on the trial. Two books were published in 1986: "Murder in the Adirondacks: An American Tragedy Revisited" by Craig Brandon and "Adirondack Tragedy" by Joseph Brownell and Patricia Enos. Austrian-American filmmaker Josef von Sternberg directed the 1931 movie "An American Tragedy," and the 1951 film "A Place in the Sun," with Elizabeth Taylor, is also based on the Dreiser novel. The Metropolitan Opera in New York City commissioned "An American Tragedy," a two-act operatic version of the story by composer Tobias Picker with a libretto by Gene Scheer, which premiered in December 2005.

**Postscript:** Herkimer Community College organized a 100th anniversary conference this year called "Chester, Grace and Dreiser: The Birth of An American Tragedy," which was held June 22-24. In addition to scholarly panels devoted to the Gillette-Brown case and its book and film adaptations, plans included displays of artifacts and documents relating to the trial, a re-enactment of the trial by a local theater company, screenings of the films based on Dreiser's novel, tours of the jail and courthouse where Gillette was held and tried, and an excursion trip to the murder site on Big Moose Lake.

Among other commemorations of the Gillette trial, the topic of the second lecture in the New York State Court of Appeals Lecture Series, held June 26, was "Dreiser's 'An American Tragedy: The Law and the Arts,'" an event co-sponsored by the Historical Society of the Courts of the State of New York. ■

## DID YOU KNOW?

Who was the first woman to hold judicial office in the United States?

Esther Hobart Morris was born in Tioga County, N.Y., on Aug. 8, 1814, but gained fame by becoming a justice in Wyoming. Early on she showed an interest in fighting for the rights of women and slaves. In 1869, she moved to South Pass City, Wyo., with her second husband and young son. That same year, the territory held its first legislative session and William H. Bright introduced a women's suffrage bill that was signed into law, granting women the right to vote in all public elections, the right to own property, the right to serve on juries and equal pay as teachers. The following year, Wyoming appointed three women to serve as justices of the peace. Morris was the only one to actually serve, becoming the first woman to hold a judicial position in the nation.

## NEW YORK STATE JUDICIAL INSTITUTE

### Program Highlights

#### ■ JUNE/JULY 2006 JUDICIAL SEMINARS

In addition to updates and reviews of all core subjects, new programs include a discussion of immigration issues in criminal cases; the role of the law guardian and forensic expert in custody cases; and methods for improving case management for divorcing families (Matrimonial Commission recommendations).

June 21 and 22: Rochester  
 June 27 and 28: Albany  
 July 11 and 12: Uniondale, Long Island  
 July 19 and 20: Judicial Institute  
 July 24 and 25: Judicial Institute  
 July 26 and 27: Uniondale, Long Island

#### ■ JULY 13, 2006

##### Training for Court Attorney-Referees

This legal training for all Family Court referees (court attorney-referees) focuses on recent changes in permanency law. There is also an update on core subjects.

#### ■ JULY 19- 20, 2006

##### Training for Newly Appointed Support Magistrates

This two-day training for all newly appointed support magistrates covers legal and proce-

dural aspects of the position. The program also focuses on computer training on the UCMS support module whose use is mandatory for new magistrates.

#### ■ JULY 28 & SEPTEMBER 19, 2006

##### Ethics Training for Judicial Candidates

All candidates for elected judicial office except town and village justices are required to attend this one-day training session, which includes a panel discussion of ethical issues faced by judicial candidates led by Appellate Division Justice George Marlow, co-chair of the Advisory Committee on Judicial Ethics. The program will be simulcast to over 20 court locations. For further information, go to: <http://nycourts.gov/ip/jcec/>.

#### ■ SEPTEMBER 25, 2006

##### Domestic Violence Training for Judges

Liberty Aldrich, Director of Domestic Violence and Family Court Programs at the Center for Court Innovation, will conduct a training session on the many issues facing judges who preside over domestic violence cases.

#### ■ OCTOBER 4-6, 2006

##### Juvenile Drug Court Training

This training explores an innovative approach

to dealing with troubled youth in the Family Court system. Many courts in the adult criminal justice system address a defendant's drug problems; this training focuses on the unique issues facing those youths with the same problems who are repeatedly brought before the Family Court on delinquency or PINS charges. Judges, prosecutors, defense attorneys, probation officers and others have been invited to this program, which will provide them with the tools needed to start a juvenile drug court.

#### ■ NOVEMBER 1-2, 2006

##### An Examination of Complex Evidence in Cutting-Edge Science and Technology Cases

Technology is proliferating faster than society can adjust. Molecular biology, nanotechnology, stem cell research and other scientific endeavors threaten to disrupt existing social and legal dynamics. This two-day program covers what we know and provides a window into the science of tomorrow in order to anticipate how our legal system can prepare to meet the demands of a brave new world. Faculty include professors from medical schools and research institutes around the country. Topics include court-ordered genetic tests; introduction to behavioral genetics; stem cell biology; sentencing an individual to behavioral control treatment; and shaken baby homicide.

## Judicial Institute Hosts Voter Education Symposium

BY JOY BEANE

**M**ORE THAN 80 LAWYERS, JUDGES, educators and civic organization representatives participated in a May 17 symposium at the New York State Judicial Institute that offered both a state and national perspective on enhancing voter participation in judicial elections.

The day's first plenary session brought together representatives of groups currently involved in New York voter education to share information and discuss a statewide agenda. Chaired by Fern Schair, recent president of the Fund for Modern Courts, the panel included A. Vincent Buzard, then-president of the New York State Bar Association; Nicole Gordon, then-executive director of the New York City

Campaign Finance Board; Alan Rothstein, general counsel of the New York City Bar Association and member of Citizens Union; and James Sample of the Brennan Center for Justice of New York University School of Law. The panelists led a lively discussion about ways to improve the availability and coordination of information to help voters make informed choices about judicial candidates, including the use and impact of voter guides.

The second plenary session brought the national perspective to the discussion. Bert Brandenburg, executive director of Justice at Stake Campaign, moderated the exchange among Cynthia Canary of the Illinois Campaign for Political Reform, Dr. David Rottman of the National Center for

State Courts and Professor Roy Schotland of the Georgetown Law Center.

Afternoon workshops focused on specific aspects of voter education, including community outreach and the media. In a voter guide workshop, participants heard about recent efforts in New York and North Carolina to prepare on-line and paper guides and offered insights into the practical, logistical and ethical issues involved.

Students at Fordham University School of Law are digesting the workshop proceedings. Based on participants' comments on the digests, a "Plan of Action" will be drafted to develop leadership on public education about judicial candidates and judicial elections.

The Symposium on Enhancing

Voter Participation in Judicial Elections was a direct response to the recommendation on voter education by the Commission to Promote Public Confidence in Judicial Elections.\* The symposium was sponsored by the Judicial Institute, the Fund for Modern Courts, the New York City Bar Association, the New York County Lawyers' Association and the League of Women Voters. ■

\*The commission also made recommendations relating to candidate selection, public financing, retention elections, judicial campaign practice committees and campaign finance disclosure. The commission's reports are on-line at [www.nycourts.gov/reports](http://www.nycourts.gov/reports).

Joy Beane is Executive Assistant to the Dean of the Judicial Institute.

## US Benchmarks

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