

Chapter 3

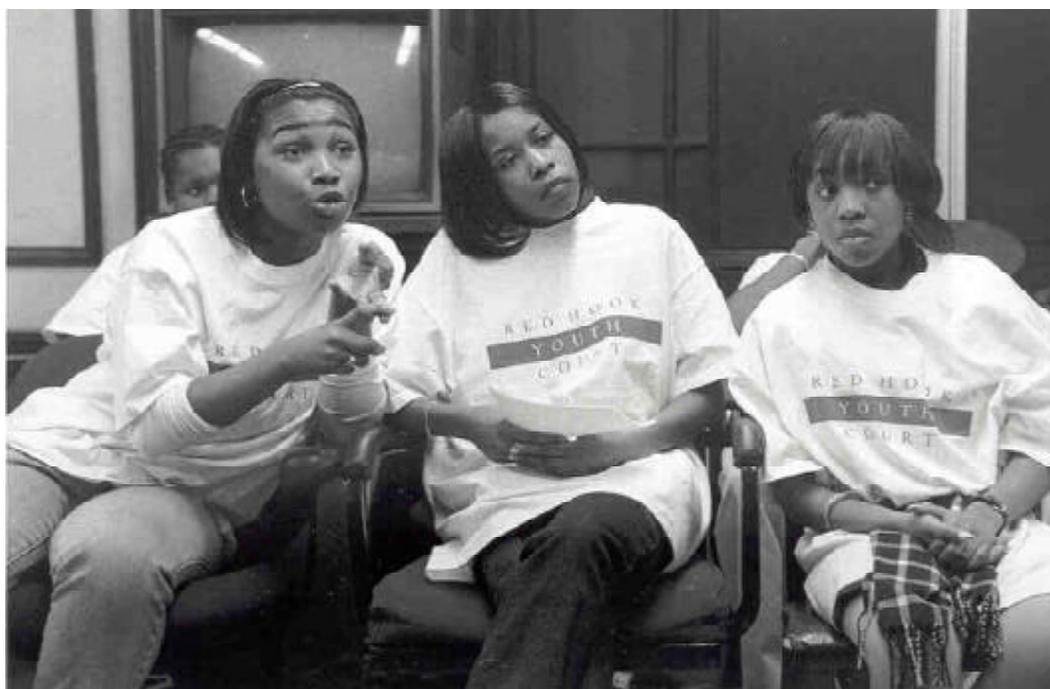
Program Highlights

Center for Court Innovation

The Center for Court Innovation is a unique public-private partnership established by the UCS to improve public confidence in justice. The Center functions as the court system's independent research and development arm, investigating chronic problems and formulating new programs in response. Over the past several years, it has helped create numerous demonstration projects, including the award-winning Midtown Community Court (sentencing quality of life criminal offenders to community service and providing on-site social services), the Brooklyn Treatment Court (sentencing nonviolent substance-abusing criminal defendants to drug treatment instead of

incarceration) and the Brooklyn Domestic Violence Court (providing enhanced services to victims and strict judicial monitoring of felony offenders). Support for these initiatives comes from a variety of sources, including the U.S. Justice Department, the Department of Health and Human Services, and private foundations.

In 1998, the Center was named one of ten recipients of an Innovations in American Government Award from the Ford Foundation and Harvard University's Kennedy School of Government. This \$100,000 award, which is given to government programs that solve difficult public policy challenges, was presented to the Center in recognition of the new court prototypes it has



Carolina Kroon/Impact Visuals

Members of a Red Hook Youth Court jury questioning the respondent in a case before them for decision

piloted and the structure it has established for ongoing innovation.

In further recognition of its pioneering work, the U.S. Department of Justice has looked to the Center to provide technical assistance to other jurisdictions interested in court reform. The Center uses a variety of tools to accomplish this mission, including workshops, written products, site visits and an innovative website, www.communitycourts.org. As a result, at least two dozen community courts across the country are in the planning stages.

During 1998, the Center focused its efforts on the following initiatives:

Manhattan Family Treatment Court: Building on the model of the Brooklyn Treatment Court, the Family Treatment Court is a specialized drug court for addicted parents charged with child neglect. The Court links parents to treatment and provides services to their children. By closely monitoring the performance of parents, the Court seeks to make more timely and informed decisions regarding the best interests of children in the permanency planning process. Over 75% of the Family Treatment Court's clients are in compliance with their court-ordered treatment plans. In honor of the Family Treatment Court's pioneering work, the U.S. Justice Department has selected it as one of three nationwide model projects.

Bronx Domestic Violence Court: Launched in 1998, the Bronx Court adapts the basic principles of the Brooklyn Domestic Violence Court to a high volume misdemeanor setting. Both Domestic Violence Courts work in partnership with numerous criminal justice agencies and social service providers to enhance defendant accountability and increase victim safety.

Red Hook Youth Court: The Youth Court uses peer pressure to address low-level youth crime in Red Hook, Brooklyn. The Youth Court trains local youth, ages 12-17, to hear actual cases -- involving shoplifting, vandalism, truancy -- involving their peers. Offenders, who admit guilt before going to Court, are sentenced to perform community service, write letters of apology and attend anger management workshops. They also are linked to social services as appropriate. Compliance has been substantial: 94% of offenders perform their sanctions as ordered.

Crown Heights Community Mediation Center: Located in a community-based storefront, the Mediation Center is a neutral forum where all residents of Crown Heights -- African-American, Caribbean-American and Hasidic Jewish -- can come to air grievances, settle disputes and work together to achieve common goals. The Center mediates interpersonal and group disputes and provides conflict resolution training to local residents. It also houses "CourtHelp," a service that provides information to community residents, helping them complete necessary paperwork and learn how to negotiate the court system.

Future Plans: In 1999, the Center plans to unveil two new community courts, one in Harlem, the other in Red Hook. Both of these courts will be multi-jurisdictional facilities that use the authority of the court system to solve neighborhood problems such as juvenile delinquency and landlord-tenant disputes.

The Commercial Division

The Commercial Division of the Supreme Court was established in 1995 in New York and Monroe Counties to handle and facilitate the resolution of business litigation. Since commercial litigation is frequently complex and lengthy, with extensive motion practice, the Division has sought to employ a variety of forms of technology and advanced case management techniques in an effort to streamline and expedite the commercial litigation process. The success of the Division led to the announcement by the Chief Judge, in December 1998, that new branches of the Commercial Division would soon open in Westchester, Nassau, and Erie Counties.

In 1998, the Division in New York County put into regular use Courtroom 2000, the first fully automated courtroom in the State. The courtroom features real-time court reporting, devices for the electronic presentation of evidence, high tech monitors, an electronic blackboard, and a touch screen monitor at the witness stand. The Division also continued its alternative dispute resolution program in New York County, reporting that close to 60% of the cases referred were settled in the process, while Monroe County continued to develop its ADR program.

In addition, the Division issued guidelines and uniform rules, and began publishing the *Commercial Division Law Report*, containing summaries of the leading opinions of the Division in Monroe and New York Counties. The opinions themselves in full text form are available on the court system's web site, along with the Report, and on the home page of the Commercial and Federal Litigation Section of the NYS Bar Association.

Alternative Dispute Resolution

The court system is committed to providing alternative dispute resolution programs to parties as a viable option to litigation. For close to 20 years, the court system has supplied financial support and program oversight to nonprofit community organizations that offer dispute resolution services to all 62 counties in New York. These dispute resolution centers provide cost-effective dispute resolution processes for cases that are referred to the centers from community agencies and from civil, family and criminal courts.

Over the last several years, the court system has developed a number of pilot court-referred ADR programs throughout the state, tailored to the needs of the particular community and court environment in which they operate. In 1998, there was a major expansion of these programs, built upon the success of the early pilots.

The pilot programs offered include neutral evaluation for matrimonial cases in Supreme Court in Monroe, Nassau and New York Counties; mediation for matrimonial cases in Orange County Supreme Court; and mediation for civil cases in

Monroe and Erie Counties and in the Commercial Division of Supreme Court. There also is a binding arbitration program for tort cases in Nassau County Supreme Court and a neutral evaluation program for tort cases in New York County Supreme Court. Erie County has developed a voluntary multi-step ADR program for personal injury cases that includes mediation and, if necessary, is followed by a judicial assessment conference to further guide the parties toward settlement or to narrow the issues before trial.

Judicial Advisory Councils

Judicial Advisory Councils, which were established during 1993 and 1994 in four localities of the State, work with local Administrative Judges to help make the courts more responsive to community needs. This initiative was undertaken in connection with a larger project sponsored by the Conference of Chief Justices, the Conference of State Court Administrators, and the National Center for State Courts. Its goal is to enhance citizen

involvement in the courts as a means to build respect, confidence and support for the Judiciary.

During 1998, the Eighth Judicial District Advisory Council sponsored lectures at community organizations to discuss recent

changes in jury practices and possible future initiatives; encouraged local news stations to focus on the positive aspects of the court system; and worked with the local Administrative Judge to support the construction of a new Family Court building and the renovation of other court facilities in Erie County.

The Council for the Seventh Judicial District continued to sponsor a court tours program in



Registration at the ninth NYS National Conference on Dispute Resolution, held in September in Rochester, NY

Tom Buckner

conjunction with the Monroe County Bar Association, and to study the issue of youth violence, consulting widely with other interested local institutions. It also initiated a project designed to produce standardized forms for landlord-tenant cases in the Rochester City Court, with particular emphasis on meeting the needs of self-represented litigants. In addition, the Council developed an educational program for non-lawyers termed "The People's Law School," offering educational programs covering such topics as: an introduction to the courts, wills and estate planning, Small Claims Court and Landlord-Tenant Court.

The Council for the Tenth Judicial District worked to develop two comprehensive court facilities: a Community Court in Hempstead, Long Island, and a dedicated "Matrimonial Center" where all judges handling matrimonial cases would be located; established a children's center in the Nassau County District Court; sought to improve the conditions of jury service; helped to provide to interested jurors a breast cancer screening service offered by the Nassau County Medical Center; and reviewed and commented upon a proposed website for the Nassau County Courts. The Council for Queens continued its focus on improving the appearance of the Queens Supreme Courthouses; provided educational programs for Queens citizens on areas of the law that impact upon them, such as landlord-tenant and domestic relations; worked with the Queens Supreme Court law librarian to insure public access to the Court Law Library; and worked closely with the local media to increase public understanding of the court system.

The Ethics Commission for the Unified Court System

In order to help preserve the integrity of governmental institutions, New York State requires public employees to disclose potential areas of conflict of interest resulting from their private activities. Section 211(4) of the Judiciary Law requires all judges and justices, as well as officers and employees of the Courts who receive annual compensation at or above a specified statutory filing rate or hold policy-making

positions, to file annual statements of financial disclosure setting forth detailed personal and financial information. In 1998, the filing rate was \$60,235 and approximately 4,100 employees were required to file financial disclosure statements. Information contained in these statements, with certain limited exceptions, is available for public inspection.

The Ethics Commission for the Unified Court System is responsible for administering the distribution, collection, review and maintenance of financial disclosure statements. The Commission is composed of five members, two of whom must be judges and two of whom cannot be public officers or employees. In 1998, the Commission adopted a new procedure which effectuated its authority to conduct investigations and issue subpoenas necessary to carry out its responsibilities. Any covered individual who fails to timely file with the Commission or fails to complete any of the filing requirements is subject to disciplinary action by the Chief Administrative Judge or, in the case of a judge, by the Commission on Judicial Conduct.

The Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children works to address the problems of children in New York whose lives and life chances are affected by the courts.

During 1998, the Commission continued implementation of the federal Court Improvement Project (CIP) which focuses on improving processes for child abuse and neglect cases in Family Court. Among the elements identified by the Project as necessary for effective court reform are court leadership; communication and cooperation with the Department of Social Services; development of internal court mechanisms that expedite and improve outcomes for children; and the use of non-adversarial alternative dispute resolution mechanisms. The Commission has started two pilot projects – in Erie and New York County Family Courts – to incorporate these goals. Both have been

designated Victims Act Model Courts by the National Council of Juvenile and Family Court Judges.

The Erie County project has established a strong partnership with the Department of Social Services (DSS). Accomplishments already achieved include the hiring of a project Director for the CIP and a parallel full time employee at DSS (both positions funded by resources secured by the Commission), developing a common mission statement, and hosting meetings to introduce the project to key stakeholders including all attorneys, judges, and staff of relevant county agencies. Under the “Spring into Permanency” Project, the Erie County initiative will focus on close to 750 children who are waiting for adoption. In addition to expediting these adoptions, the project hopes to reform the way adoptions are handled by the Court and DSS.

In New York County, an Expedited Permanency Part has been established that will incorporate all of the recommended reform elements, including extensive use of pre-trial conferences. In addition, a protocol is being developed in conjunction with the Administration of Children’s Services to fast-track abandonment and unlikely to return home safely cases. Once perfected, it will be distributed statewide to address the hundreds of potential abandonment cases in the State. The New York pilot also hopes to develop a mediation project to expedite and improve the handling of child abuse and neglect cases.

Among the other initiatives undertaken by the Commission in 1998 were a forum on foster care and child welfare, to share with Family Court judges throughout the state the information gained from the pilot projects; training for (CASA) program directors and volunteers; initial development of an MSW judicial internship program in conjunction with several NYC schools; and a program to expand access to comprehensive health care for young foster children. The Commission also added five new centers to its statewide system of children’s centers, bringing the total to 22. The centers offer quality drop-in child care while caregivers attend to court business and a site to connect children and families with vital services.

The New York State Judicial Committee on Women in the Courts

The New York State Judicial Committee on Women in the Courts works with court administrators and outside agencies on behalf of female litigants, attorneys and court employees to eradicate any discrimination in the courts on the basis of gender. The Committee is composed of judges, court administrators, bar leaders and advocates for women. In carrying out its mandate, the Committee has organized judicial education programs, proposed legislation and made recommendations for improving court operations.

In 1998, the Committee supported legislation to simplify enforcement of child support orders in Supreme Court; successfully advocated to have applications for employment within the court system include inquiries about compliance with court-ordered support; co-sponsored programs on matrimonial practice and domestic violence; and collected information on women in the State’s Judiciary.

Continuing Legal Education

In 1997, in order to enhance the already high level of professional competency of New York attorneys, a mandatory continuing legal education program was adopted. As of October 1, 1997, newly admitted attorneys (defined as those who are admitted to practice in the State on or after that date) must complete 32 hours of accredited CLE within two years of admission.

The CLE requirement for all New York attorneys went into effect on December 31, 1998. All attorneys (other than the newly admitted discussed above) must complete 24 hours of accredited CLE each biennial reporting cycle. Courses on ethics and professionalism must be included within the prescribed credit hours. The program has been flexibly designed so that experienced attorneys can fulfill their requirement in a variety of ways, ranging from live lectures to self-study formats such as videotapes or on-line programs, as well by teaching and lecturing, or by writing articles for law publications.

Information about the CLE Program is accessible through the CLE Board's web site: <http://ucs.ljx.com>, by phone: (212) 428-2105, toll-free outside of New York City (1-877-NYS-4CLE), or at its e-mail address: CLE@courts.state.ny.us.

The Committee to Promote Public Trust and Confidence in the Legal System

The Committee to Promote Public Trust and Confidence in the Legal System was established in 1998 to identify initiatives that will enhance public trust and confidence in the State's legal system. The Committee's goals are to ensure that there is a fair and just system by which people who have contact with the legal system are treated with respect and equality and to bring about a greater understanding of and respect for the legal system. The Committee is composed of judges, attorneys, educators, legislators, local government officials and representatives of unions, business, civic and victims' rights groups and the media.

The Committee was established in conjunction with a national initiative sponsored by the Conference of Chief Justices, the Conference of Chief Administrators and the American Bar Association. Each Chief Justice was asked to form a committee in their respective state to identify and make recommendations for addressing issues affecting public trust and confidence. To further the states' efforts, a national conference is planned for May 1999.

Franklin H. Williams Judicial Commission on Minorities

The Franklin H. Williams Judicial Commission on Minorities, which was established in 1991, strives to assure fair and equal treatment, free from taint or the perception of bias, prejudice, or discrimination for all individuals in the Unified Court System. In 1998, the primary focus of the Commission was to provide an opportunity to those involved in the court system for public discussion of issues of particular importance to minorities.

To that end, the Commission held open meetings in the Bronx to address concerns that employees had about certain promotions that had been given to minority supervisors. The Commission also started meeting regularly with Administrative Judges in an attempt to monitor the number of minorities in supervisory positions in the courts and help increase the number of positions available for minority employees, including attorneys. The Commission also continued its participation in the annual judicial seminars by conducting a seminar exploring the ways that police brutality might impact on the criminal justice system.

Access to the Courts for Individuals with Disabilities

The UCS strives to fully implement the Americans with Disabilities Act (ADA) in the State Courts by assuring access to services for users of the courts and by providing reasonable accommodations to court employees.

In 1998, training on the ADA was provided at educational seminars held for court clerks, commissioners of jurors and new judges. This training information also was made available for general distribution through videotape and in written form.

A new office was established in 1998, under the Division of Court Operations, to focus greater time and attention on ADA issues and coordinate statewide efforts to resolve issues raised by users and employees of the courts. This office will provide education to court personnel about the ADA, as well as the devices and accommodations available to provide access to the courts for users with disabilities.

During the year, the ADA Committee, which was established in 1997, and is composed of judges and nonjudicial employees, worked to modify juror summonses to include a telephone number for assistance to disabled individuals who are in need of accommodation in order to serve. The Committee also developed a list of "dispatchers" and procedures to follow when a sign interpreter is needed in the New York City Courts. A subcommittee was established to explore concerns raised about the availability of sign interpreters and related issues.