Restructuring of the Unified Court System

Why a court restructuring?

Court restructuring as we propose it will:

- simplify the trial court structure, to make it more accessible and easier to understand for the public and the Bar.

- change the process by which domestic violence cases proceed through the courts, to insure that they are handled by the most experienced and best-resourced courts.

- remove procedural and jurisdictional obstacles associated with a multi-layered trial court structure, to reduce the cost and time of litigation.

- ease the difficulties experienced by children and families in family-related litigation (*e.g.*, cases involving divorce, child support, family offense), while promoting greater fairness and consistency of result.

- insure a more appropriate distribution of resources to the various courts, especially those that handle family matters.

- provide long overdue relief for the overburdened Appellate Division.

- broaden the base for designations of justices to the Appellate Divisions/Appellate Terms.

- consolidate the State's lower courts and expand their powers, enabling them to better serve their local communities.

What are the major provisions of court restructuring?

Superior Courts:

- reduction of the State's five superior courts to two by abolishing the Court of Claims, the County Court and the Family Court and merging their judges and staff with Supreme Court — leaving only the Supreme Court and the Surrogate's Court.

- establishment of special case transfer provisions that: (1) will require most domestic violence cases commenced in the lower courts to be heard in Supreme Court; and (2) facilitate statewide implementation of the one family: one judge model for family-related litigation (*i.e.*, all pending cases involving the members of a single family are brought before a single judge).

- establishment of a special division of the merged Supreme Court, to exercise jurisdiction over domestic violence cases, matrimonial cases and Family Court litigation.

- elimination of the current population based restriction on legislative increase in the number of justices of the Supreme Court.

Lower Courts:

- consolidation of the four major lower courts (*i.e.*, the present NYC Civil and Criminal Courts, District Courts on Long Island, and the upstate City Courts) into a newly-established statewide system of District Courts.

- authorization for the Legislature to increase, up to $50,000, the maximum civil jurisdiction of the major lower courts.

- elevation of the Housing Part of what now is the NYC Civil Court, and the judges that serve it, to full constitutional status.

Appellate Courts:

- creation of a Fifth Judicial Department for the Appellate Division.

- all justices of the Supreme Court, including those holding offices that were part of the abolished superior courts, would be eligible for designation to the Appellate Division and Appellate Term.

When will it take effect?

Our Court Restructuring plan will require amendment of the State Constitution. For this to happen, the Legislature must give the plan its approval during the 2002 legislative session, and then approve it a second time during the 2003 legislative session. Thereafter, the voters of the State, at the November 2003 general election, must approve it as well. Following approval by the voters, the plan would take effect on January 1, 2004.

What will it cost?

Court Restructuring in New York will *save* the taxpayers approximately $131 million in the Judiciary Budget over the first five years of its implementation (including $73 million in savings over the first three years alone). Many more millions of dollars stand to be saved in litigation and other public and private costs that will be spared in a streamlined, more efficient court system.

Why court restructuring now?

Court restructuring in New York has been the aim of every Governor, every Chief Judge, every court administrator, every good government group, numerous State and local public officials, and countless others for decades. Beginning in 1997, the Chief Judge made it the highest priority in her legislative agenda — which prompted the Legislature thereafter to conduct extensive statewide hearings on the subject. The Governor, too, has lent his support. Now, in 2002, after five years of intensive study and examination of restructuring and its related issues, with a Judiciary Budget proposal of almost $1.4 billion for the next fiscal year, with public consciousness and concern for the plight of domestic violence victims and the fate of families in our State rising dramatically, it is timely and vital that court restructuring go forward at this time. This is especially so given that, because of New York's complex and time-consuming constitutional amendment process, failure to pass court restructuring during the 2002 legislative session will mean a loss of two more years before it could be put into effect.

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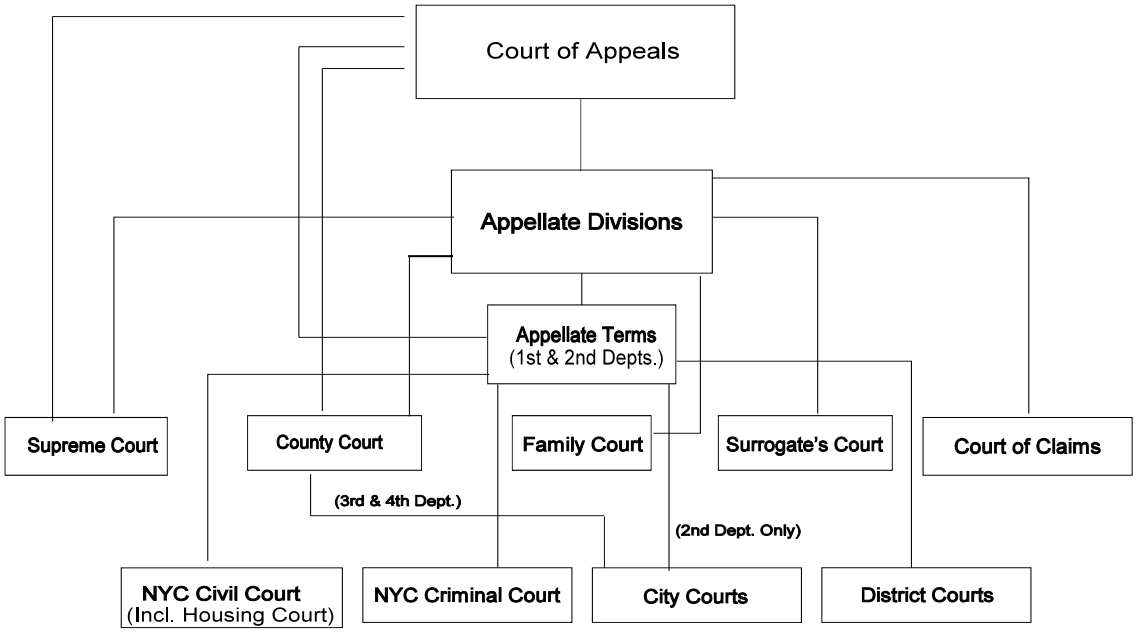
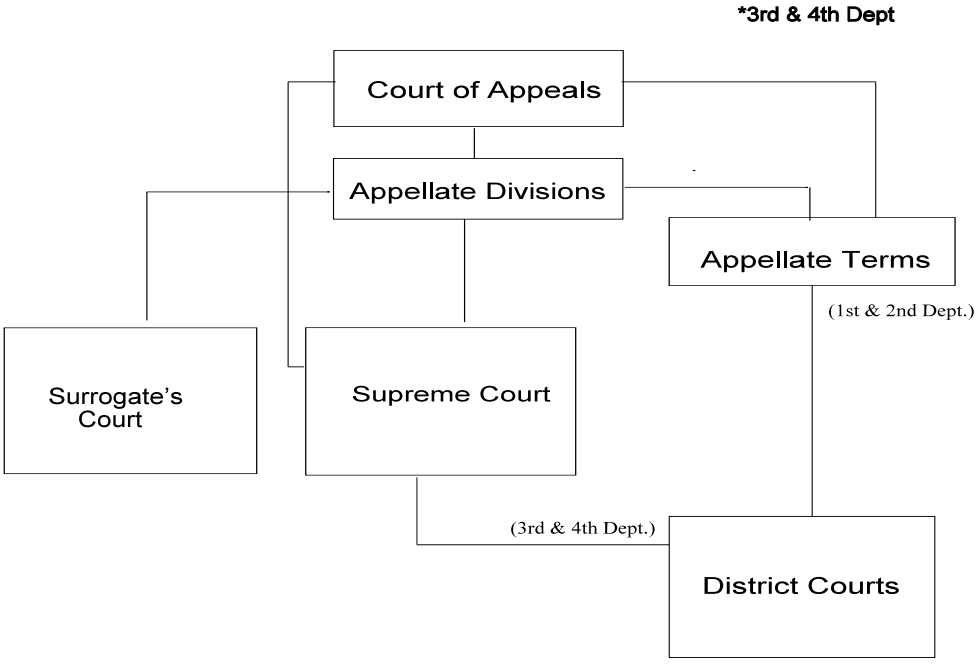
NEW YORK STATE UNIFIED COURT SYSTEM
CURRENT TRIAL COURT STRUCTURE



NEW YORK STATE UNIFIED COURT SYSTEM
PROPOSED RESTRUCTURING OF THE TRIAL COURTS