



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

MEMORANDUM

May 26, 2016

To: All Interested Persons
From: John W. McConnell
Re: Request for Public Comment on Proposed Amendment of 22 NYCRR §17.2 to Require Training and Continuing Education of Clerks of Town and Village Courts

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The Administrative Board of the Courts is seeking public comment on a proposed amendment of 22 NYCRR § 17.2 to require training and continuing education of clerks of town and village courts. Currently, town and village justices are required to undertake basic and/or advanced training, under the auspices of the Chief Administrator of the Courts, in each calendar year (22 NYCRR §17.2; Exh. A); no similar requirement is imposed upon their court clerks.

The proposed amendment would add a new section (f) to 22 NYCRR §17.2, to read as follows:

Section 17.2 Training and education of town and village justices **and court clerks.**

* * *

(f) Each court clerk in a town or village court shall annually complete a training or continuing education program approved by the Chief Administrator of the Courts.

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Persons wishing to comment on the proposed rules should e-mail their submissions to rulecomments@nycourts.gov or write to: John W. McConnell, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 11th Fl., New York, New York 10004. **Comments must be received no later than August 1, 2016.**

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT A

NYCOURTS.GOV

RULES

Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts

Rules of the Chief Judge

PART 17. Judicial Education And Training

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17.1 Visitation of facilities for detention, treatment, etc.

17.2 Training & ed. of town / village justices

17.3 Training & ed. of justices other than town / village

17.4 Domestic violence program

Section 17.1 Visitation of facilities and institutions for detention, treatment, examination and confinement; visitation of residential facilities for victims of domestic violence.

(a) In order to ensure that every judge or justice be familiar with those facilities where the judge or justice is authorized to direct the detention, treatment, examination or confinement of any person in connection with Criminal or Family Court proceedings, the following steps shall be taken:

(1) each judge or justice designated in subdivision (d) of this section, holding office before October 1, 1981, shall visit a facility or institution of each type specified in subdivision (d) of this section. To comply with this requirement, visits shall be completed no later than October 1, 1982, or shall have been made no earlier than January 1, 1979;

(2) each judge or justice designated in subdivision (d) of this section, who shall assume office on or after October 1, 1981, shall visit a facility or institution of each type specified in subdivision (d) of this section. To comply with this requirement, visits shall be completed no later than one year after the assumption of office, or shall have been made no earlier than three years before the assumption of office;

(3) each judge or justice whose term of office is four years or longer or who is appointed to or elected to consecutive terms of office that, in the aggregate, equal four years or more and who regularly sits in a criminal term or in a term with criminal as well as civil jurisdiction, each judge of the New York City Criminal Court, and each judge of the Family Court, having complied with the provisions of paragraph (1) or (2) of this subdivision, shall, within every four years thereafter during the term or terms of office of said judge or justice, visit at least one facility or institution of each type specified in subdivision (d) of this section;

(4) a judge or justice, for the purposes of this Part, shall be deemed to regularly sit in a criminal term, or in a term with criminal as well as civil jurisdiction, if such judge or justice sits in a part of court exercising criminal jurisdiction for at least one trial term in a year.

(b) The Deputy Chief Administrator of the Courts for the courts outside the City of New York shall be responsible for ensuring compliance with subdivision (a) of this section by the judges and justices of

courts outside the City of New York and shall report to the Chief Administrator of the Courts as to the implementation of the provisions thereof at such times and in such form as the Chief Administrator of the Courts shall require.

(c) The Deputy Chief Administrator of the Courts for the courts within the City of New York shall be responsible for ensuring compliance with subdivision (a) of this section by the judges and justices of courts within the City of New York, and shall report to the Chief Administrator of the Courts as to the implementation of the provisions thereof at such times and in such form as the Chief Administrator of the Courts shall require.

(d) The following types of facilities and institutions shall be visited.

(1) Justices of the Supreme Court, judges of the County Court, and judges of the Court of Claims, regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction, shall visit one facility in each of the following categories:

(i) a facility operated by the New York State Department of Correctional Services for the confinement of persons convicted of a felony;

(ii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the confinement of persons convicted of a misdemeanor or violation;

(iii) a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the detention of persons accused of an offense;

(iv) a secure facility maintained by the New York State Office of Children and Family Services for the care and confinement of juvenile offenders; and

(v) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(2) Judges of the New York City Criminal Court shall visit one facility in each of the following categories:

(i) a facility operated by the New York City Department of Correction for the confinement of persons convicted of a misdemeanor or violation;

(ii) a facility operated by the New York City Department of Correction for the detention of persons accused of an offense; and

(iii) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(3) Judges of the District Court and judges of the City Court, regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction, shall visit one facility in each of the following categories. Justices of the Town and Village Courts shall visit one facility in each of the following categories if located in the county where the justice is sitting:

(i) a facility operated by a county or municipality for the confinement of persons convicted of a misdemeanor or violation;

(ii) a facility operated by a county or municipality for the detention of persons accused of an offense; and

(iii) a facility certified by the New York State Office of Children and Family Services as a juvenile detention facility for the reception of children.

(4) Judges of the Family Court shall visit one facility in each of the following categories:

detention of alleged juvenile delinquents held prior to completion of a Family Court proceeding;

(ii) a nonsecure facility certified by the New York State Office of Children and Family Services for the detention of alleged juvenile delinquents and Persons In Need of Supervision held prior to completion of a Family Court proceeding;

(iii) a facility of the New York State Office of Children and Family Services for the care, treatment or confinement of juvenile delinquents or Persons In Need of Supervision;

(iv) a facility operated by a voluntary authorized agency, as defined by section 371, subdivision 10(a) of the Social Services Law, for the care and treatment of children; and

(v) either (a) or (b):

(a) a children's psychiatric center or children's unit of a psychiatric center operated by the New York State Office of Mental Health, or a developmental center or intermediate care facility for the mentally retarded or developmentally disabled operated by the New York State Office of Mental Retardation and Developmental Disabilities for the evaluation and treatment of children; or

(b) a facility of a county or municipality, or a private institution, to which the Family Court refers children for evaluation or in which the Family Court places children for treatment of mental illness or retardation.

Historical Note

Sec. added by renum. and amd. 20.17, filed Feb. 2, 1982; amds. filed: July 10, 1998; Jan. 10, 2000; Sept. 20, 2000; Dec. 1, 2000 eff. Nov. 17, 2000. Repealed (e).



Section 17.2 Training and education of town and village justices.

Training programs, under the auspices of the Chief Administrator of the Courts, shall be conducted for town and village justices at least three times per year at various locations in the State, in the following manner:

(a) The training programs shall consist of a basic and an advanced course. All newly selected justices, who are not members of the Bar of this State, shall attend the first available basic course after their selection. Upon successful completion of such basic course, certification shall be issued which shall be valid until the next available advanced course. The aforesaid justices shall then be required to successfully complete such advanced course and thereupon shall receive a certificate of completion.

(b) Every incumbent nonlawyer justice heretofore certified or certified pursuant to this section, shall be required to successfully complete an advanced course of training once in each calendar year thereafter while holding office in order to maintain certification.

(c) Successful completion of a training program, as herein provided, shall mean attendance at no less than 80 percent of the sessions thereof and a passing grade on a written examination in such course as established by the Chief Administrator.

(d) The Chief Administrator may issue temporary certificates to nonlawyer justices which shall be valid until the time of the next available course.

(e) Each newly elected or appointed justice who is a member of the Bar of this State shall attend the first available advanced course of training after his or her election or appointment. Each such justice shall attend an advanced course of training each calendar year thereafter while holding office. Attendance at an advanced course shall mean attendance at no less than 80 percent of the sessions thereof. The Chief

Historical Note

Sec. added by renum. and amd. 30.6, filed Feb. 2, 1982; amd. filed Jan. 5, 1984 eff. Jan. 1, 1984.



Section 17.3 Training and education of judges and justices other than town and village justices.

The Unified Court System shall provide training and education for its judges and justices, other than town and village justices, which shall include annual seminars, special seminars for new judges, and such other courses, classes and presentations as the Chief Administrator of the Courts deems appropriate. Judges and justices shall attend at least 24 hours of such training and education courses, classes and presentations every two calendar years, which may include, with the approval of the Chief Administrator, courses, classes and presentations provided outside of the Unified Court System. The Chief Administrator also may grant credit in complying with the requirements of this section for the teaching of courses and classes, the making of presentations, and the writing of publications, directed to the training and education of judges or to the presentation of a judicial perspective.

Historical Note

Sec. filed Jan. 6, 1999; amd. filed April 7, 2000 eff. March 28, 2000.



Section 17.4 Domestic violence program.

(a) Each judge or justice in a court that exercises criminal jurisdiction, including town and village justices, each judge of the Family Court, and each justice of the Supreme Court who regularly handles matrimonial matters shall attend, every two years, a program approved by the Chief Administrator of the Courts addressing issues relating to domestic violence.

(b) Attendance at such program shall be counted toward fulfillment of the training and education requirements for justices and judges subject to section 17.3 of this Part.

Historical Note

Sec. filed Dec. 1, 2000 eff. May 1, 2001.



Web page updated: May 1, 2013