
THE STATE OF THE JUDICIARY *2005*



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CHIEF JUDGE OF THE STATE OF NEW YORK

NEW YORK STATE UNIFIED COURT SYSTEM

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THE STATE *of the* JUDICIARY 2005

JUDITH S. KAYE

I. INTRODUCTION

EACH YEAR, AS I PREPARE TO REPORT ON THE STATE OF THE JUDICIARY, I search for a theme around which to organize the plans and achievements of one of the largest, busiest court systems in the nation, if not the universe. And quite frankly, despite the search for something new and different each year, in the end my theme turns out to be a thinly disguised version of “Meeting Today’s Challenges,” which is—and I imagine will forever be—a coalescing principle for everything we do. The unending challenge is to assure access, efficiency, stability in the delivery of justice, while at the same time accommodating breathtaking societal change, so that the courts remain relevant and responsive to modern-day life.

This year, however, the arrival at the Court of Appeals of our long-awaited draperies focused my attention on a different sort of change—the physical, tangible change that has transformed Court of Appeals Hall from a dignified 19th century facility, last updated 45 years ago, to a dignified 21st century facility, enlarged and equipped to meet today’s issues. As my Colleagues and I had postponed any thought of a formal ceremony, awaiting the arrival of these finishing touches, it occurred to me that we might view today as a dedication, or a rededication. In a sense, dedication is another perpetual coalescing theme for the New York State court system.

In fact, there is even a certain logic in declaring this a dedication of our refurbished facility. I note that, on January 14, 1884, when the Court of Appeals first occupied this very courtroom, then situated in the Capitol, no formal ceremonies took place, though on that day, as the press reported, “a large number of prominent persons were present for the occasion.” Some decades later, on January 8, 1917, after the courtroom was moved, piece by piece, from the Capitol to this stately edifice, renamed Court of Appeals Hall, then-Governor Charles Whitman noted that “judging from the splendid character of the building itself, we trust for centuries it is to be devoted to . . . the noblest purpose to which a building or a life can be devoted, the administration of justice.”

Today, 121 years after the Court of Appeals first occupied this magnificent courtroom, the Judges are once again present with a “large number of prominent persons,” and so we once again affirm our dedication to “the noblest purpose to which a building or a life can be devoted, the administration of justice.”

I know that in this regard I speak for my Court of Appeals Colleagues, for the Presiding Justices, the Chief Administrative Judge and all of the Judges and nonjudicial personnel who make up the Unified Court System. Though I doubt that the celebrants in 1884, or 1917, or even 1959, could have foreseen the size or complexity of today’s dockets, we

stand shoulder-to-shoulder with them in recognizing our great trust, and great privilege, as the Third Branch of government to administer justice under law. On this occasion, we also thank our partners in the Executive and Legislative Branches—many of them here today—for enabling us to maintain our beautiful home, and for the many cooperative efforts that help us all better serve the public.

II. MATRIMONIAL AND FAMILY INITIATIVES

IN REPORTING ON THE COURT SYSTEM'S ACHIEVEMENTS AND PLANS, I begin—as I did last year—with families, where the challenge of societal change and the long-term impact on people's lives are perhaps the greatest. Family issues—divorce, foster care, domestic violence, child abuse and neglect, juvenile delinquency—continue to account for about a fifth of our dockets—roughly 800,000 new filings in the year 2004. While annual Supreme Court filings have remained more or less constant for the past several years, Family Court filings grew even higher during 2004. Within the broad subject of family justice, I turn first to matrimonials.

A. MATRIMONIALS

For all the monumental change around us, one thing remains constant, and that is complaints about matrimonials. Too much delay, too much money, too much grief. Indeed, 14 years ago my predecessor, Chief Judge Sol Wachtler, responded by constituting a Committee to Examine Lawyer Conduct in Matrimonial Actions, chaired by then-First Department Appellate Division Justice E. Leo Milonas. My own membership on that Committee ended when I became Chief Judge, but I will never forget the testimony, the submissions, the literature, the emotion that surrounded the subject. A dozen years later I announced the formation of a second Matrimonial Commission chaired by Second Department Appellate Division Justice Sondra Miller, to take an overall look at the divorce process in New York and recommend reforms to correct existing problems. As the press clippings alone reflect, there is no shortage of public interest—or public ire—on the subject of matrimonials.

Not that we have not made progress throughout the past decade. Perhaps most significant has been the appointment of a Statewide Administrative Judge for Matrimonial Matters—Justice Jacqueline W. Silbermann. And here again I invoke my theme word of the day, “dedication,” because it aptly describes the spirit and skill that Justice Silbermann has brought to her role—and the matrimonial Judges under her aegis bring to theirs. I count as progress the many rule changes since the Milonas Committee's report, among them a requirement of written retainer agreements, a prohibition on nonrefundable retainers and certain security interests, fee arbitration, hands-on case management by dedicated Judges (meaning, this time, Judges assigned exclusively to

matrimonials), and provision for interim awards of legal fees to help equalize the litigants.

Then too, in the highly charged area of child custody, another dedicated group, the Parent Education Advisory Board, chaired by Supreme Court Justice Evelyn Frazee, has worked assiduously to develop standards for parental education programs so that battling litigants understand the impact of divorce on their children. At the same time, we have been developing a Model Custody Part, which will be operational in New York County by year-end, that will apply “best practices” for custody disputes, including such tools as mediation, stress management and counseling, and links to appropriate services, such as parent education programs.

Despite the effort, the overwhelming judgment regarding matrimonials today continues to be too much delay, too much money, too much pain.

During these years, another constant refrain has been that our statutory law—requiring proof of fault under one of four specified grounds, or requiring a full year’s wait after an agreed-to written separation agreement ending the marriage—should be re-examined. The refrain has grown louder, as consensus has built—most recently including the New York State Bar Association and the Women’s Bar Association of the State of New York—for some form of “no-fault” divorce, and New York has increasingly become isolated and unique among the states in its statutory requirements.

After long and careful reflection, I have come to see that requiring strict “fault” grounds may well simply intensify the bitterness between the parties, wasting resources, hurting children, driving residents to other states for a divorce and delaying the inevitable dissolution of the marriage—and I join in urging legislative review. I appreciate that this issue raises very hard questions on all sides. But I am hopeful that, with interest in statutory change from so many diverse groups, a fair proposal can be reached, one that will scrupulously safeguard the interests of the most vulnerable litigants—especially the already disadvantaged poor and victims of domestic violence—while providing needed relief from the fault requirement.

It goes without saying—but I’ll say it anyway—that, as the merits of legislative reform are studied elsewhere, we in the Judicial Branch will continue to keep a spotlight trained on ourselves, both through Justice Silberman’s day-to-day oversight of matrimonial litigation and through the Miller Commission’s more global analysis of the present system.

B. FAMILY COURT

Of course, where delays occur in any category of Family Court proceedings, children are the losers. Our efforts, therefore, have been dedicated both to promoting effective procedures for case resolution and to collaborating with other groups and agencies in order to deliver meaningful justice. Too many children grow up in Family Court. Too many children graduate from Family Court to Criminal Court. They deserve better.

Adoption Now

We are now in the third year of Adoption Now, my own personal collaboration with Commissioner John Johnson of the New York State Office of Children and Family Services (OCFS), and Commissioner John Mattingly of the New York City Administration for Children's Services (ACS), and the results have been terrific. Adoption Now focuses on avoiding delays in the achievement of permanent homes for children whose birth parents' rights have been terminated. In November 2004, we not only had another record-setting Adoption Day program, but also the United States Department of Health and Human Services recognized these collective efforts with a federal Adoption Excellence award. Additionally, reflecting achievements in finalizing a record number of adoptions and particularly in meeting the challenge of finding adoptive homes for older children, New York State received approximately \$3.4 million through the federal adoption incentive program. The rewards of working together have been even greater for each of us in streamlining adoption procedures, but greatest of all for the thousands of foster children now in permanent homes.

Permanent Judicial Commission on Justice for Children

Adoption Now has spawned a variety of other collaborative efforts. Together with the Permanent Judicial Commission on Justice for Children, with OCFS and with ACS and the Family Court, the Adoption Now Work Group took its program Statewide, presenting a dozen Sharing Success seminars to Judges, court and agency staff, and others involved in adoptions. These seminars demonstrate the success of convening case conferences early on at which services are put in place to repair fractured families, thus avoiding prolonged foster care. Where returning a child home is not possible, intensive case management facilitates timely movement toward adoption, kinship placement or other permanent outcome. And in Erie, Otsego and Kings Counties, we are making creative use of mediation to narrow and eliminate disputed issues and expedite permanency.

Recognizing that Family Courts must be vigilant in ensuring that the needs of the children before them are met during what may be long periods of foster care, the Permanent Judicial Commission on Justice for Children issued a Healthy Development Checklist, a tool to improve judicial decisionmaking that has become a national model. Again reflecting successful collaboration that benefits children in foster care, I am proud that our checklist has been "hard-wired" by OCFS into the child welfare system through incorporation into the Connections computer system used Statewide to track these cases.

Our Babies Can't Wait initiative also builds upon this focus by targeting attention on the most vulnerable group, infants under one, the largest segment of New York's foster care population and, perhaps surprisingly, the most likely to remain in and re-enter foster care. Like Sharing Success, the Babies Can't Wait project has been on the road, Statewide, providing multidisciplinary training to everyone who is part of the foster care process. With support from the New York Community Trust, an early childhood specialist has

been placed in New York City Family Court, and CASA volunteers have been deployed to ask the Infant Healthy Development Checklist questions. The preliminary results of these efforts are heartening in terms of avoiding what might otherwise become lifetime disabilities for these infants in foster care. But maybe best of all, ACS and the Babies Can't Wait Work Group are working together to make an infant's first placement the last and only foster care placement. What an achievement that would be!

Court-Appointed Special Advocates (CASA)

Following my announcement last year, a small group under the leadership of former Court of Appeals Judge Howard A. Levine has been developing a program by which we can better support CASA programs Statewide. Our CASA volunteers are absolutely invaluable, providing the court and all parties with essential information, garnered from the child and a variety of sources.

Measuring Progress

No effort to improve the functioning of the courts can be complete without a good way to measure progress. As we learned in developing our model courts in Erie and New York Counties, we must keep track of every milestone, every critical event, that impacts the progress of children toward permanent homes and the successful and timely conclusion of their cases. To that end, our new Universal Case Management System, which was piloted in Family Courts Statewide, will soon include a permanency module to allow accurate assessments of progress both in individual cases and systemically.

Further, with support from the Annie E. Casey Foundation, the New York City Family Court is implementing a Blueprint for Change, which includes the development of benchmark measures for abuse and neglect cases to document successes and identify areas needing improvement. One outcome will be publication of an annual self-evaluation of our progress in meeting our goals of expediting permanency, complying with federal mandates, increasing timeliness of court proceedings, improving the court experience for litigants, protecting litigants' due process rights, and assuring the safety and well-being of children.

Interbranch Roundtables

Critical to the court process and to New York State's efforts to meet the complex mandates of the federal Adoption and Safe Families Act, is the effort to reform the statutory structure governing child welfare cases. In April 2004, I was pleased to preside over a unique event, a Child Welfare Roundtable convened by our Family Court Advisory and Rules Committee at the Judicial Institute in White Plains. With the participation of a broad spectrum of Judges, child welfare professionals, advocates, and legislative and executive representatives, the Roundtable provided an excellent forum for productive dialogue, which I hope will move us toward major legislation in 2005. It's a great model, which we intend to follow with similar interbranch roundtables on other critical topics.

Family Court E-Petition Pilot

We continue our efforts to enhance access to the courts and ease the process, especially for the thousands of self-represented litigants in Family Court. One such effort is our E-petition pilot project in Brooklyn and Bronx Family Court, which enables litigants to prepare and file simple petitions at computer terminals in the courthouse, eliminating the often extended waiting period to confer with court petition clerks. In collaboration with the State Office of Temporary and Disability Assistance, the pilot project will soon be expanded so that a custodial parent can be interviewed at, and a petition drafted by, the child support agency, which can then transmit the petition electronically to the Family Court.

Family Court Judges

The initiatives I've described exemplify what can be accomplished through dedication, collaboration and—perhaps above all—sheer perseverance. The bottom line, however, is that our most basic, most important Family Court resource is severely limited—namely, the number of Judges who handle these cases every day. The simple truth is we need more Family Court Judges.

Even the staggering volume of Family Court filings does not begin to convey the pressures and demands that accompany the increased workload. Judges not only have more cases, they also have more deadlines to meet as a result of ASFA (the Adoption and Safe Families Act) and other federal legislation.

Just two years ago, in a joint effort with New York City Mayor Michael Bloomberg, eight judges were added to the New York City Family Court through a stopgap measure by filling “interim” Civil Court vacancies with Judges qualified for Family Court, and by reassigning qualified Judges sitting elsewhere. This response provided some welcome relief in New York City, but the problem is Statewide. Indeed, last year's increase in filings was greater outside New York City than in the City. We need a coherent, permanent solution—one that recognizes the critical role of Family Court in today's society.

I therefore call upon the Legislature to create additional Family Court judgeships Statewide, to enable us to meet the urgent demands of Family Court calendars. We will shortly provide the Legislature with detailed documentation, county-by-county.

New and Innovative Approaches

In Family Court, as throughout the court system, we understand the importance of deciding each case fairly and efficiently, of improving case management methods, of enhancing access to justice for all litigants, including those without counsel, and of using new technology to simplify the process.

But we also see that certain types of cases require us to look beyond traditional case processing if we are to achieve meaningful interventions. That is why we are collaborating with others outside the court system in the area of adoption and foster care. That is why we have created multi-disciplinary groups to identify and implement changes for the

benefit of children and families in the courts. That is why we have developed problem-solving courts, such as community courts, drug courts and mental health courts to address the multifaceted social problems people increasingly bring to the courts today. And that is why we have embarked on operational restructuring, to ease the burden, especially for families affected by domestic violence—my next topic.

C. IDV COURT STATEWIDE EXPANSION

Through bitter experience, we have all learned so much about the scourge of domestic violence. We have learned, for example, that often domestic violence victims have an ongoing intimate relationship with the batterer—not only that they are living together and raising children together, but also that the victim is entirely dependent on the batterer for life’s essentials. Since the recidivism rate for violent crimes between intimates is two and one-half times that for crimes between strangers, we know that these individuals are likely to be back before us again and again, with escalating violence, even fatalities. Simply resolving the law issue, therefore, is not necessarily resolving the matter. For justice to be effective, courts from the outset must be mindful of victim safety, the potential for future abuse and the need for links to agencies that deal knowledgeably with domestic violence.

To this end, we embarked on a pilot project in Kings County—a collaborative effort with the District Attorney, Safe Horizon, the Center for Court Innovation and others. That first court—like the many we have opened since—includes a dedicated Judge and court staff, enhanced monitoring of defendants and a coordinator to link the parties with outside services, such as counseling and batterers’ intervention programs.

Four years ago, we turned our attention to the added burden placed on victims of domestic violence by the very structure of the New York State court system, which requires litigation in several separate trial courts—Family Court for child custody or visitation, Criminal Court for an assault, Supreme Court for a divorce. Placing the problems of one family before one Judge, who can deal comprehensively with the issues, is plainly better for the families, and better for the courts. That insight led to the creation of the Integrated Domestic Violence (IDV) Court. We began with a pilot court in each of our four Judicial Departments, and then announced a Statewide expansion plan in 2002.

Today, with the leadership of the Deputy Chief Administrative Judge for Court Operations and Planning, Judy Harris Kluger, we have 18 IDV courts throughout the State—from its most rural to its most urban communities—and we are on target to meet our goal of serving the tens of thousands of domestic violence litigants throughout the State by year-end. The IDV experiment has become an integral part of court system operations, demonstrating both that diverse stakeholders can work together to improve process and outcome, and that eliminating artificial barriers among our trial courts benefits the public as well as the courts.

So long as I am on the subject of integration—and to end any suspense—yes, we will continue to pursue, as a constitutional reform, the streamlining of our trial court structure. Talk about dedication! Although we are doing all we can administratively to eliminate jurisdictional hurdles that make the court system cumbersome and inefficient, in the end it is clear that the State Constitution should be amended to consolidate our many major trial courts into a single, unified Supreme Court.

My next subject is a related one—the Bronx Criminal Division—another operational measure that rests on the lessons of experience and good sense.

III. CRIMINAL JUSTICE

A. THE NEW BRONX COUNTY CRIMINAL DIVISION

Last year's plan to join the operations of Bronx County Criminal Court and the Criminal Term of Supreme Court into a single trial court became a reality precisely three months ago, November 8, under the leadership of Judge Kluger. The Bronx County Criminal Division is a single, streamlined court of criminal jurisdiction, allowing resources to be used as caseloads dictate, without hurdles and barriers inherent in a two-tiered system. Already, the Division is making inroads on our backlogs, reducing both felony and misdemeanor inventories, and we expect the decline to continue.

As part of this initiative, we will be introducing Bronx Community Solutions, which brings the community court problem-solving model to nonviolent criminal cases entering the consolidated court. That includes extensive screening and assessment of offenders, linkage to an array of on-site and community-based social services, and vigorous monitoring of compliance with community service and social services mandates. Through both punishment and help, the court can hold offenders strictly accountable and yet, where appropriate, offer access to services and assistance to avoid repeat criminal conduct.

B. DRUG COURTS AND OTHER PROBLEM-SOLVING COURTS

One of the earliest applications of the problem-solving model was our drug court program. Drug courts link eligible individuals with drug and alcohol addiction treatment programs as an alternative to incarceration or removal of their children to foster care. Under the State Office of Court Drug Treatment Programs, we have been moving drug courts into the mainstream of court operations, as an integral part of our criminal and family justice programs.

Having first piloted a drug court in Rochester in 1995, by the end of 2004 we had 125 drug courts across the State, with 6,000 active participants, and more being planned. These courts have given a fresh start not only to thousands of addicts charged with nonviolent crime, but also to the 380 drug-free babies born to female drug court

participants. Can you think of a better alternative for handling these cases? We can't. We can, however, think of an improvement in the process—which is further reform of the Rockefeller Drug Laws to give Judges more sentencing discretion to divert criminal defendants to drug treatment.

I could review the statistics on reduced recidivism and cost savings to the State, but I'd rather just recount a story I heard recently from Washington County where the Judge overseeing drug court, tragically and inexplicably, took his own life. Drug court participants wanted to do something to memorialize him. They chose a project (a memorial bench), made drawings, solicited donations of materials, set up an account at a local bank and secured county authorizations for the project. As the Chief Clerk of the court wrote:

"Now we have people who know how to network; who can put a project together from beginning to end; who are meeting with public officials on their own; who are working toward a common goal. Some of these people couldn't get from point A to B before entering this program. This project alone gives me fuel to continue touting the importance of this court."

One of our 2005 goals is to develop best practices and operational protocols for DWI participants in all drug courts. We also look forward in the weeks ahead to working with the Legislature on new proposals from our Ad Hoc Committee on City Courts outside New York City. By better equipping City Courts to meet growing needs—especially where those courts function as drug court "hubs" for their county—we can, in the right cases, make the treatment alternative available to a wider pool of defendants.

The success of the problem-solving principles developed in the drug treatment program has encouraged us to test their application to other types of cases in our courts. One example is the Mental Health Court, where mental health treatment is an alternative to incarceration in eligible cases. Successfully piloted in Brooklyn, these courts are now in Bronx, Monroe and Niagara Counties, and the City of Buffalo, with five more planned. Another example is the Sex Offender Court, which will be tested in Oswego, Nassau and Westchester Counties, with the objective of reducing recidivism among this difficult population while at the same time assuring the safety of the community.

IV. CIVIL JUSTICE

A. HOUSING COURT HOMELESSNESS PROJECT

Family and criminal court cases are not the only ones in which resolving a legal issue may not resolve the matter. Housing Court presents another example. For thousands of Housing Court litigants, the issue that brings them to court—typically nonpayment of rent—is only one of many problems they face, such as unemployment, drug and alcohol

abuse, truant and disabled children, depression and disease. Additionally, because of the unremitting shortage of lawyers to represent them, they must proceed in court on their own, without counsel. Two initiatives now being implemented in the New York City Housing Court are aimed at keeping these people in their homes, instead of living on the street or in prison, and changing the direction of their lives. As to both initiatives, I am grateful to New York City Civil Court Administrative Judge Fern Fisher for the idea and for her perseverance in carrying it to fruition.

Zip Code 10451

The first initiative, The Housing Help Program, focuses on families in zip code 10451, largely low-income tenants residing in a section of the Bronx afflicted with high rates of homelessness. When these families appear in court, they will be referred immediately to a Help Center located right in the Bronx Housing Court, where they will be comprehensively screened by a lawyer and a social worker, together, and offered a full range of legal and social services—including, for example, access to job training, to treatment for diabetes, or to subsidies and entitlements that will enable them to pay their rent. Again, as with all of these problem-solving initiatives, the court system does not itself supply the services—we simply make them more accessible by offering space under our roof to the people who do. In this case, it is United Way of New York City that is funding the services, and Legal Services for New York City and Women in Need, who are providing them. The objective here, obviously, is to *prevent* homelessness—to secure the payment of rent where that is due, and to keep these families in their homes where that is possible, instead of triggering the inevitable downward life spiral that follows eviction. Thank you, United Way of New York City and its president, Larry Mandell, for making this wonderful initiative possible.

The Decision Tree

Our self-represented project is a second Housing Court collaboration, this time with Columbia Law School and its Lawyering in the Digital Age Clinic—and I especially thank the two second-year law students who have been critical to this initiative, Alison Monahan and Arinze Ike. The Columbia Law School Clinic helped us develop a Web-based automated system—a decision tree—to guide the thousands of self-represented tenants in rent-stabilized apartments owned or managed by the New York City Housing Authority as they answer nonpayment petitions. We celebrate the initiative that will provide vital answers for these unrepresented litigants facing eviction and homelessness; we celebrate the promise this initiative holds for the many litigants throughout our court system who must proceed without lawyers; and we celebrate a wonderful collaboration with Columbia Law School, which we hope can be continued, and replicated, with New York State's 15 law schools.

B. COMPREHENSIVE CIVIL JUSTICE PROGRAM

Of course, not every civil case raises the same kind of challenge as the family and housing cases that present an array of social problems as well as legal issues. We also face the challenge of effective management of civil dockets of every imaginable variety—from a fall on an icy sidewalk, to a failed worldwide business transaction. In all, these civil cases account for approximately 1.5 million new filings a year and a very heavy caseload for each of our Judges. That alone puts special emphasis on the need for assiduous case management and docket control. Justice is enhanced when Judges supervise the progress of each case, set meaningful deadlines, provide credible trial dates—and adhere to them.

Last year, I promised a fresh look at what we have accomplished—and what we have yet to accomplish—since introducing a Comprehensive Civil Justice Program, bringing differentiated case management methods to our highest-volume counties throughout the State. This program categorizes civil cases by type—expedited, standard or complex. It also imposes firm deadlines for each category for the completion of two stages of litigation—first, from the time a litigant first asks to see a Judge (the Request for Judicial Intervention) to the filing of a Note of Issue and second, from the Note of Issue to disposition.

[Today we release our full report on the program—it's available at www.nycourts.gov](http://www.nycourts.gov)—and I am pleased to tell you the results are dramatic. While civil case filings in Supreme Court have increased steadily, the period between filing and disposition decreased more than 35 percent. The courts both resolved more cases, and resolved them more efficiently. In short, under this new program we are managing our caseloads better and we are providing justice to more New Yorkers than ever before.

What's next? Under the new program, we will begin to use only one measurement—the period between filing the Request for Judicial Intervention and case disposition—while retaining a firm timeframe for case disposition. This will allow Judges greater flexibility to adjust the discovery period to the needs of each case. We also will introduce greater automation, allowing attorneys to e-mail discovery schedules and other information rather than present them in person. Specialization by Judges, a proven success with commercial and matrimonial litigation, will be expanded in the guardianship and medical malpractice areas. We believe that these steps—along with others to come, all outlined in the full report—will continue our significant progress in effective management of civil cases.

C. COMMERCIAL DIVISION

For many commercial practitioners and their business clients, overburdened dockets once made the New York State courts an unattractive forum for their litigation, which tends to be pretrial-motion-oriented and paper-heavy. By the late nineties, however, we witnessed a sea-change, as these parties actually began turning to the New York State courts as their forum of choice. Why the change? The Commercial Division.

As with other initiatives, we started small, with four Supreme Court Justices in Manhattan designated to hear commercial cases exclusively and to preside over each case from beginning to end. The response was most positive, and thus the Commercial Division was born, with five parts in Manhattan and one in Rochester. Today, the Commercial Division operates in business centers all across the Empire State, and I am happy to report that the list—which now includes New York, Monroe, Erie, Albany, Westchester, Nassau, Suffolk and Kings counties—will grow in 2005 to include Queens County. And here I want to pay special tribute to the New York Bar, which has been so extraordinarily helpful from Day One in establishing the Commercial Division.

Quietly and effectively, the Commercial Division has been building a comprehensive body of New York commercial law—thousands of decisions on every aspect of commercial law. Summaries of its decisions are published five times a year in *The Commercial Division Law Report*, available in hard copy and electronically.

Innovations and fine-tuning of Commercial Division practice and procedures have, of course, continued throughout the decade. Commercial Division rules—including those governing its Alternative Dispute Resolution Program—are readily accessible on the Web. With the growth of the Division, however, lack of Statewide uniformity has increasingly become a concern. I am pleased to add that, [as part of today's Comprehensive Civil Justice Program report, we are releasing for public comment a set of proposed uniform rules for the Commercial Division](#), including definitive guidelines for what constitutes a commercial case. Litigants, practitioners and Judges can benefit from the increased consistency generated by uniform rules.

D. CENTER FOR COMPLEX LITIGATION

Somewhat relatedly, as a response to caseload demands, we are also planning to focus greater attention on efficient coordination of complex civil litigation involving different actions pending in different Judicial Districts. These large multi-party, multi-forum cases frequently involve numerous cross-claims and protracted discovery. Three years ago, we created a Litigation Coordinating Panel that screens these cases to ensure that those having common questions of fact are assigned to a single Judge for pretrial purposes. Our next step will be to establish Centers for Complex Litigation, which will provide each assigned Judge special training and resources, will facilitate judicial management, expedite resolution, control costs and promote informed decisionmaking in these difficult cases. We anticipate opening our first Center in Manhattan later this year.

E. FILING BY ELECTRONIC MEANS

I am particularly pleased to report gains in our Filing by Electronic Means (FBEM) project, first authorized by the Legislature in 1999. FBEM allows litigants to commence certain types of lawsuits electronically and then continue to exchange papers online. Since its inception, we have provided training to the bar and court staff, and worked to

simplify the system. Last year, filings doubled, and we are hopeful that this trend will continue. As the experiment has expanded to new localities and courts, we have established a resource center that can assist in the smooth introduction of FBEM to the bench and bar. With the most recent extension of the authorizing statute sunseting in September, we will be working with the Legislature to extend and further expand this important project. This is, after all, the 21st century—our courts must reflect it!

V. ACCESS TO JUSTICE

ALONG WITH ONGOING EFFORTS TO IMPROVE THE DELIVERY of family, criminal and civil justice, we will continue working to assure that the courts are accessible to the public we serve. I will address just four of our initiatives—two involving the availability of counsel, and two involving the availability of information.

A. COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES

Access to justice for criminal defendants means the right to adequate, effective legal counsel, regardless of ability to pay. Last spring, I formed the Commission on the Future of Indigent Defense Services chaired by Judge Burton Roberts and Professor William Hellerstein, to take a top-to-bottom look at New York's existing indigent defense system, and tell us how to make it better. On behalf of the Commission, The Spangenberg Group, a nationally recognized research and consulting firm, will be conducting a Statewide evaluation of existing indigent defense programs. The Commission begins its public hearings this month—in New York City this Friday, February 11th, and in Albany on the 17th. Making concrete proposals to enlarge the pool of attorneys available for indigent defense work is no small task, given both constitutional requirements and budgetary realities. Yet I have every confidence in this Commission and look forward to its report later this year.

B. CIVIL LEGAL SERVICES FOR THE POOR: PRO BONO/PRO SE

Legal services are required by law in criminal cases, but except for certain Family Court matters, not in civil cases. I have already spoken of litigants forced to proceed without lawyers in Family Court and Housing Court. Civil legal needs can also involve such vital issues as divorce, orders of protection, public benefits and access to health care—and the unmet needs are vast. We will continue our efforts to identify a substantial permanent funding stream for these services, but we know this will not be achieved in the near future.

This year we will be moving ahead to implement the recommendation of the report, *The Future of Pro Bono in New York*, by establishing a more structured voluntary pro bono program—we have no intention of mandating pro bono. We believe, however, that a partnership among the judiciary, the bar, service providers and advocates for the poor,

starting at the local level, will encourage lawyers to do more pro bono work, and help clients access available services. With that in mind, Judge Juanita Bing Newton and her Justice Initiatives staff are working with the Presiding Justices of the Appellate Division, with Jan Plumadore, the Deputy Chief Administrative Judge for the Courts Outside New York City, and Joan Carey, the Deputy Chief Administrative Judge for the New York City Courts, as well as with Administrative Judges around the State, to form local action committees to stimulate pro bono service and report to a Statewide Standing Committee.

I have on many occasions publicly applauded lawyers for pro bono work—and I am happy for the opportunity to do it again today. It's important for all of us to recognize the extraordinary dedication of the many, many members of the Bar who do pro bono work, including those who have regularly spent countless hours representing the poor over the years.

As this plan to encourage more pro bono service goes forward, we are also intensifying our efforts to help litigants who must, or choose to, proceed in our courts without counsel. Judge Newton's Office has, for example, created an easy-to-use Web-site for litigants called [CourtHelp](#), which last year, its first year, had more than 250,000 visits. There you can find such information as courthouse locations and directions, free forms, basic legal information, and lawyer referrals.

Additionally, recognizing the vital role of our staff in personally helping litigants at the courthouses, we have programs for every court employee who deals with the public on the best ways to provide information without giving legal advice. We also have developed a full-day program regarding courtroom dynamics and ethical issues in cases involving the self-represented. During 2004, we presented that program to New York City Civil Court Judges and to Family Court Judges, support magistrates and court attorney-referees from all parts of the State, and will continue to do so during 2005. And we have been operating Offices for the Self-Represented in several courthouses, where the self-represented can go for hands-on help—and hope ultimately to expand this highly successful initiative to every Judicial District.

C. PUBLIC ACCESS TO COURT RECORDS

On February 25, 2004, the Commission on Public Access to Court Records issued its report, and I thank the Commission Chair, Floyd Abrams, and all Commission members—including my Colleague Judge Victoria Graffeo—for their excellent work. We began immediately to act on the Commission's recommendations and suggested priorities. We started by increasing access to court calendars and docket information at [the E-Courts section of www.nycourts.gov](#), through expanded coverage of the Future Court Appearance System for civil cases, and introduction of on-line access to criminal case calendars in some locations. This year we will add Family Court calendars, as well as more categories of judicial decisions on our Web-site, first with Queens County

Supreme Court and Supreme and County Court in the Sixth Judicial District, then proceeding to other courts and counties.

Turning to the important matter of pleadings and other documents filed by the parties that complete the public record of a case, the Commission recognized a need to protect individual privacy and security, and proposed that litigants and their counsel be required to exclude from their paper or electronic court filings certain sensitive information, such as Social Security Numbers, financial account numbers, names of minor children and dates of birth. In keeping with the Commission's recommendation, we will begin with a pilot project in Broome County in 2005, as a collaboration between the courts and the Broome County Clerk, who will share responsibility for creating electronic copies of future documents in the case file.

D. COMMUNITY OUTREACH

While access to court records helps keep the public informed about our work, we also believe in the importance of outreach to the community about the role and functioning of the courts.

Since June 2001, the court system, through Judge Newton's Office of Justice Initiatives, has worked with religious leaders to develop educational programs, so that they can help congregants who consult them about where to go with court matters. Programs in Queens, Manhattan and Brooklyn have already provided information about the court system to hundreds of religious leaders, and more are planned throughout the State. Indeed, the very reason Eighth Judicial District Administrative Judge Sharon Townsend is not here today is that she is participating in Buffalo's Clergy Day. Similarly, students and their families often ask teachers and school administrators for court information, and we are developing programs to help them answer those questions.

VI. CONTINUING JURY REFORM

NO REPORT ON THE NEW YORK STATE COURTS WOULD BE COMPLETE without a segment on jury reform.

I count high on our list of achievements this past year the happy experience of Presiding Justice Anthony Cardona, who deliberated to verdict as a juror in an Albany criminal trial, itself an example of the reality of universal jury service. Like other New Yorkers who have served to verdict, the Presiding Justice gives his jury service two thumbs up. Our goal is that more people called for jury service have the opportunity to deliberate to verdict on a case, instead of cooling their heels in jury waiting rooms. Having myself during 2004 been once again struck from a panel—my third unsuccessful effort at jury service—any further comment by me on the Presiding Justice's experience would be put down as sour grapes.

For any number of reasons, jury reform remains a priority. Apart from the centrality of juries to our system of justice, more than 650,000 members of the public actually come into our courts to serve as jurors each year, many having their first experience with the New York courts. That's at least 650,000 opportunities every year to show the public a justice system that works well and values their contribution. I think we've moved closer to the mark, but there's still a way to go.

One promising avenue of reform we have been pursuing is called The Jury Trial Project. Fifty trial Judges across the State have stepped forward to try innovative practices. The Jury Trial Project has just completed its research phase—closely documenting more than 100 civil and criminal trials—and though its report is forthcoming, I can't resist previewing a few of its insights today.

For me what is perhaps most interesting was a survey among the participating Judges, lawyers and jurors on each case as to whether they thought the case was complex. The widely varying responses among three groups are significant: Judges and lawyers, the court insiders, may think a case is not complex, but it turns out the jurors actually think otherwise. Doesn't that tell us something important about the need to improve comprehensibility? Second, the survey of actual trials showed that use of the innovations in fact *improves* jurors' ability to do their work, without in any way undermining the system. And third, attorneys—often skeptical of change—once having experienced these innovations say they are much more receptive to them. All in all, cause for optimism as we move ahead.

Along with a Statewide program building on the Jury Trial Project, we will this year continue to implement the recommendations of The Jury Commission chaired by Mark Zauderer.

Among the recommendations were a stand-by call-in system for jurors; new guidelines for Jury Commissioners and Judges to better estimate the number of jurors to call; mandatory settlement conferences before jury selection so that jurors are not used as a negotiating tool; and more efficient civil voir dire, supervised by judicial officers. We have already implemented the Commission's recommendations for juror questionnaires that make better use of time in oral questioning of prospective jurors, and we've obtained legislation effective July 2004 to increase the time period between jury service from four to six years (it remains at eight years for those serving more than ten days).

Under the leadership of First Deputy Chief Administrative Judge Ann Pfau, we will begin a pilot project to implement these recommendations. With Queens County as the Model Jury Site, we will use new software to enhance communication between courtrooms and the central jury office; we will increase participation of Judges and judicial hearing officers in the jury selection process; and we will continue to update and upgrade jury facilities.

Our attention to Commission recommendations is not the only good news for jurors. Juror qualification by phone and by Web is now available Statewide. When a juror-

qualification questionnaire arrives by mail, a New Yorker need only pick up a phone or visit our juror Web-site, www.nyjuror.gov, to complete the questionnaire. In addition, when a summons arrives, those jurors wanting to take advantage of the automatic postponement allowed by law—up to six months to a date of their choice—may either call an 800 number as they do now or, starting later this year, obtain that postponement at the juror Web-site.

The fact is, jurors today *expect* more of the court system, in summoning and in service. They expect—and rightly so—that their time will be well utilized, and that they will be treated with courtesy and dignity. We will continue our efforts to meet those expectations in full.

VII. THE COURTS AND THE LEGAL PROFESSION

A. FIDUCIARY AND GUARDIANSHIP MATTERS

[Commission on Fiduciary Appointments](#)

Last year at this time, I released a report showing the success of reforms implemented in 2003 to address abuses in fiduciary appointments. Those reforms—recommended by the Commission on Fiduciary Appointments—involved the adoption of a new Part 36 of the Rules of the Chief Judge, the first step to insuring that those appointed as fiduciaries are properly qualified and trained. The Fiduciary Commission, so effectively chaired by Sheila Birnbaum, reconvened to review the impact of the new rules and examine remaining problems. The Commission has just issued its second report, this time focusing on strengthening court oversight of guardians and of counsel to the Public Administrator.

As to guardians: A guardianship proceeding—and we have thousands each year—can provide an ideal mechanism for protecting the rights of the elderly and disabled. The Fiduciary Commission found that the vast majority of guardians are skilled and dedicated advocates for their wards, responsibly managing finances and making healthcare and other critical decisions. However, given the sweeping control guardians exercise over their wards, proper court supervision is critical to ensure that personal and financial interests are protected.

A key role in court supervision of guardians is played by Court Examiners, individuals appointed by the court (usually attorneys) to evaluate guardians' reports. The Commission has now made excellent recommendations to improve the performance of Court Examiners, and we will work collaboratively with the Presiding Justices of the four Appellate Division Departments and the Administrative Judges to implement these recommendations. These include such measures as establishing an office in each Judicial District to review the reports and performance of Court Examiners; conducting a regular

evaluation and reappointment process to address performance deficiencies; adjusting the Part 36 compensation limit to prevent the loss of experienced Examiners; and using standardized forms and procedures to help improve the speed and thoroughness of reviewing guardians' accountings.

As to the counsel for Public Administrators: Every county in New York State has a Public Administrator appointed by the Surrogate who acts as the fiduciary of an estate where no eligible person is available to serve as an administrator or executor. Public Administrators are represented by counsel, a private attorney who is paid out of estate assets for performing necessary legal services and preparing court papers. In the more populous counties, where the Surrogates also directly appoint the Public Administrators' counsel, the selection of counsel has come under particular scrutiny due to the very lucrative, and sometimes political, nature of these appointments. The Commission's report finds a systemic failure of accountability of the Public Administrator's counsel and recommends several measures, among them applying Part 36's disqualification provisions to counsel for Public Administrators to ensure that their selection is based on merit; seeking amendment of the Surrogate's Court Procedure Act to adopt binding fee schedules for Public Administrators' counsel and eliminate the practice of "fee bumping" (increasing counsel fees above the amount asked); adopting new public reporting requirements for Surrogates regarding awards of legal fees and the performance of the Public Administrator; and ensuring that independent audits of the Public Administrators are conducted regularly.

These recommendations will significantly enhance the accountability and quality of the staff and systems charged with overseeing guardians and the Public Administrators' counsel.

Model Guardianship Part

At their best, well-trained, dedicated guardians can be vigorous advocates for the incapacitated persons for whom they are responsible. In an ideal guardianship system, not only skilled guardians but also resources are available to ensure effective decisionmaking and the protection of the incapacitated person's interests.

This year, we will establish a Model Guardianship Part to address the unique needs of incapacitated persons. Located in Suffolk County, it will incorporate specialized training for family members appointed as guardians, introduce a mediation alternative into the Article 81 proceeding, and establish lines of communication with social service agencies and the District Attorney's Office so that allegations of financial or physical abuse receive immediate attention. The Model Part will also enlist trained volunteers to monitor the status of the incapacitated person after a guardian has been appointed and, through the newly created position of Court Examiner Specialist, insure that the guardians' reports and accountings are timely filed. Importantly, the Model Part will also handle related

cases involving the incapacitated person, such as matrimonial, foreclosure and landlord-tenant matters, thus minimizing delays and assuring more durable resolutions.

In Kings County, we will launch another pilot program, appointing the well-respected Vera Institute as guardian in 50 random cases in the first year. With social workers, accountants and attorneys on staff, the Vera Institute can provide a full range of services to the incapacitated person. In addition, beginning this month, in a program we call the Cooperative Assistance Network, Vera will serve as an additional resource for family and lay guardians in Kings County to help them fulfill their statutory obligations.

B. COMMISSION TO EXAMINE SOLO AND SMALL FIRM PRACTICE

Eighty percent of all New York lawyers in private practice work as solo practitioners or in firms with fewer than ten attorneys. To study the unique challenges faced by this group, we recently formed a Commission to Examine Solo and Small Firm Practice, with Rochester attorney June Castellano as Chair. Composed of 30 New York solo and small firm practitioners who represent a diverse cross-section geographically and by area of practice, the Commission began its work last spring. It is examining case processing and scheduling, attorney regulation, technology, professionalism and law office economics, and has held public hearings downstate and upstate about whether the courts can better facilitate solo and small firm practitioners in the practice of law. We are confident that the Commission's report, expected this year, will benefit all attorneys and the clients they serve—and contribute to the enhancement of attorney professionalism.

C. EXPANDED ATTORNEY DIRECTORY

As a public service, the Unified Court System's Web-site (www.nycourts.gov) [includes a directory of New York State attorneys](#). Until recently, the listings contained bare essentials—name, registration number, firm, business address and telephone number. As of December 2004, the directory has been redesigned and includes additional public information—the year and Judicial Department of admission; registration status (current, due or delinquent) and the next registration due date; law school attended as reported by the attorney; and disciplinary status, if any, such as suspension, disbarment or public censure. We know that this part of our Web-site gets significant traffic, so for the future, we are exploring the possibility of posting additional information voluntarily supplied by an attorney, such as areas of practice concentration, to provide the public with even more useful information.

VIII. THE JUDICIARY

A. JUDICIAL SALARIES

I begin this section of my report with a subject of utmost importance for us: judicial salaries.

Last month marked the sixth year since judicial salaries were increased. The salaries of New York Judges were last adjusted in 1999, at that time brought to parity with federal District Court salaries. Six years later, we have fallen far behind federal judicial salaries, and far, far behind the salaries of brand new lawyers at many large law firms.

Judges certainly deserve fair compensation for the work they do. Equally important, judicial salaries reflect the value that society places on their work, a recognition that the courts—and the Judges—serve as the vehicle for delivery of justice in our system of government. We must ensure that the finest individuals continue to be drawn to judicial service, and that our outstanding bench is justly compensated on an ongoing basis. That is difficult to achieve when a Judge's salary is eroded by an increase in the cost of living by 20 percent or more between sporadic salary adjustments.

We need to address the issue directly this year—and we will, by submitting a legislative proposal for a long-overdue increase. Without question, we are grateful for the support that we have in the past received from the Executive and Legislative Branches, and we are certainly mindful of the fiscal constraints under which New York State operates. The budget we have submitted this year, as in past years, reflects that reality. At the same time, there has to be a better, more rational, way of addressing the vital issue of judicial salaries. The federal government and many other states have identified effective mechanisms, such as cost-of-living increases and commission-recommended adjustments, to provide for regular salary reviews for public leaders.

New York and its Judiciary deserve no less. New Yorkers have come to recognize and expect that the State courts are increasingly effective in meeting the needs of our citizenry. Our successes in meeting these expectations depend on our Judges, who make the court system what it is today. They should be properly compensated.

B. JUDICIAL DIRECTORY

In another measure to provide more information to the public, today we inaugurate [a Judicial Directory on the court system's Web-site](#), recognizing that a key feature of accountability is openness—not only about what we do, but also about who we are professionally. Striking a balance between providing information and protecting personal privacy, this Directory will set forth the Judges' educational background, prior experience and whether they reached the bench by election or appointment. As of this afternoon, the Directory is available at the click of a mouse on the court system's Web-site, www.nycourts.gov.

C. THE JUDICIAL INSTITUTE

As is evident even in this capsule report, a boundless range of issues faces today's courts, from mindboggling substantive law questions, to novel problem-solving approaches, to effective case management. Plainly it is imperative that we remain fully up to date—current in the law, and in new approaches and techniques for overseeing caseloads. The dream of our very own first-rate school—where everyone in the court system could sharpen their skills—became a reality 18 months ago with the opening of The Judicial Institute on the grounds of Pace Law School in White Plains.

Every day, the dream just gets better and better. I last visited the Judicial Institute weeks ago to kick off an international convocation on environmental law—the first ever convened in North America. That very day, the Institute also hosted a meeting of the Family Violence Task Force, chaired by Presiding Justice Cardona and Justice Miller. That's the group that plans and oversees Statewide education concerning domestic violence and family dysfunction. A five-day orientation program for 77 new Judges of the Unified Court System had only just concluded. Recent substantive programs for Judges included guardianship and fiduciary matters, problem-solving courts, the latest on hearsay and search warrants (thank you, Judge Rosenblatt), complex business transactions and jury management. And our Court Attorneys, Family Court Referees, Court Clerks and Law Librarians similarly enjoyed programs at the Institute directed to their particular needs.

As an example of exciting upcoming programs, I mention one event—a first-time-ever colloquium called Partners in Justice, which on May 9th will bring together representatives of the bench, bar and clinical law school programs to focus on collateral consequences of litigation such as deportation, eviction, and loss of licensure, employment and child custody, and to explore the potential for vital partnerships to address these often-neglected but critical issues. I am tremendously enthusiastic about the subject, about the collaboration—for the first time including the law schools—and of course the Judicial Institute.

D. COLLECTING FINES AND SURCHARGES

In each of the last two years, I have urged more aggressive steps to enhance the collection of fines, mandatory surcharges and related money sanctions. We can, and should, do more.

To date, in an effort to make it easier for individuals to pay their obligations, we have expanded the number of places where they can pay by credit card. This is an option that should be available throughout the State and this year we will work to make it so. At the same time, we will explore the possibility of enabling payment via the Internet.

We also have urged the enactment of sterner measures to be applied against individuals who ignore court orders to pay sanctions. Prominent among these would be federal legislation permitting the Internal Revenue Service to intercept federal tax refunds of such individuals; and State legislation authorizing the Department of Motor Vehicles

to suspend their drivers' licenses. We will continue to press those measures in the coming year.

We need to make every effort to insure that all of the sanctions authorized by the Legislature and imposed by the courts are collected in timely fashion. Where those debts are ignored—where nonpayment is tolerated—both the public fisc and public respect for the courts are diminished.

IX. FACILITIES AND SECURITY UPDATE

HAVING CLEAN, UP-TO-DATE COURT FACILITIES IS OBVIOUSLY TREMENDOUSLY IMPORTANT to Judges and staff, but it's even more important to litigants and the community. Shabby facilities demean the process and the people who come to us seeking justice. Just the other day, a Family Court litigant in our new Westchester courthouse told the Judge: "My case must be important, because I'm in such a nice place."

Fortunately, our Court Facilities Program has been generating much-needed new courthouse construction and renovation. I would be remiss if, in reporting on the latest developments on this front, I did not acknowledge the work of our partners on the Court Facilities Capital Review Board, Senator John DeFrancisco, Assemblymember Helene Weinstein and the Governor's representative, Edward White, who, along with Chief Administrative Judge Lippman, review every facilities plan submitted to determine whether it is suitable and sufficient to serve the locality.

Very soon, we will open the largest trial court facility in the country, the 33-story Supreme Court Criminal Branch and Family Court building at 330 Jay Street in Brooklyn. With more than 800,000 square feet of new space, this new facility includes 50 Supreme Court Criminal Branch courtrooms, 24 Family Court courtrooms and 13 Support Magistrate hearing rooms. What a welcome change this will be in Brooklyn! In 2006, a second massive New York City project will open: the full-block, 47-courtroom, criminal courthouse in the Bronx. Again, a most welcome change!

We have other projects in every corner of the State, such as a newly opened court complex in Jefferson County, a Family and County Court Annex being occupied in Westchester County and, later this year, a new Family Court and refurbished County Court right next door to us in Albany. Years of planning also will lead to two groundbreakings in 2005—a complex in Putnam County and a courthouse in the City of Newburgh.

Of course, our concerns are not only with the bricks and mortar, but also with the safety of our staff and the public in our courthouses—a growing concern for all of us in recent years. Every court facility now has a new Emergency Preparedness Plan. In New York City, a Mobile Command Center, located at a downtown Manhattan courthouse, is outfitted and maintained to allow court administrators to meet, communicate and make site visits as necessary during emergencies. Finally, our Department of Public Safety

continues to coordinate with local and State disaster preparedness efforts and to conduct ongoing training and drills for court personnel.

X. CONCLUSION

AS I NEAR THE CONCLUSION OF THIS REPORT, I am reminded of the observation of former Chief Judge Charles Breitel, that “judicial reform is for the long-winded.” In the years I have been privileged to occupy this office, I have come to appreciate the wisdom of that insight. And today I surely have demonstrated my fitness for the position, haven’t I?

Despite the many initiatives, past and planned, described in this report, I am sad that there are so many more I have neglected to mention. I do, however, want to say a special word about our ongoing efforts regarding judicial elections. No one who has followed this issue can question our commitment to finding ways to improve judicial elections.

I am pleased to report that we recently had positive discussions with the leadership of both houses of the Legislature about many of the proposals of our Commission to Promote Public Confidence in Judicial Elections, chaired by John D. Feerick. I am heartened by the Assembly’s passage of a bill sponsored by Assemblymember Weinstein, Chair of the Assembly Judiciary Committee, addressing the Feerick Commission’s main recommendations. Furthermore, we have spoken with Senator DeFrancisco, Chair of the Senate Judiciary Committee, and he has also expressed a willingness to pursue the issues with us. We are greatly encouraged and hopeful that the Legislature will enact meaningful reform responsive to the Feerick Commission’s findings and recommendations. We welcome Albany’s interest in judicial elections and agree with the Commission that legislative action by elected officials is preferable in the first instance to the exercise of the Judiciary’s constitutional power to regulate judicial conduct.

In the meantime, we have already established a Judicial Campaign Ethics Center to respond to candidates’ ethics questions and serve as a resource in this area. We have begun developing online voter guides to enhance voter knowledge of judicial candidates. And we will shortly revise the Rules Governing Judicial Conduct to clarify the boundaries of permissible campaign speech by Judges in the aftermath of the Supreme Court’s decision in *Minnesota v. White*.

In short, it is our hope that 2005 will be a banner year for judicial election reform. All New Yorkers owe a great debt of gratitude to Chairman Feerick and all the Commission members for their outstanding efforts.

And on that note I close. We all rejoice in the widely heralded reports of declining crime, fewer domestic violence deaths, a reduced foster care population, increased adoptions and greater child support collections. I have to believe that the courts’ efforts over the past decade—through diligent processing of mountainous dockets and through leadership in innovative measures to prevent recidivism and address other vexing societal

issues brought to court—have contributed to this most welcome news. Obviously, the savings for the State—dollar saving and life saving—are enormous.

For the New York State court system, this has been yet another successful year meeting heavy demands with skill, energy, creativity, sensitivity and—you guessed it—dedication.

JUDITH S. KAYE

Chief Judge of the State of New York

February 7, 2005