

Letter of Transmittal

To: THE HONORABLE GEORGE E. PATAKI, Governor of the State of New York,
and
The Legislature of the State of New York:

Pursuant to Section 212 (j) of the Judiciary Law, I submit this annual report of the activities and state of the unified court system in 1997.

Jonathan Lippman
Chief Administrative Judge

March 15, 1998

COURT OF APPEALS
Judith S. Kaye, *Chief Judge*

Vito J. Titone
Joseph W. Bellacosa
George Bundy Smith

Howard A. Levine
Carmen Beauchamp Ciparick
Richard C. Wesley

ADMINISTRATIVE BOARD OF THE COURTS
Judith S. Kaye, *Chair*

Guy J. Mangano
Anthony V. Cardona

M. Dolores Denman
Alfred D. Lerner

STATE OF NEW YORK

**Report
of
The Chief Administrative Judge of the Courts**

**For the Calendar Year
January 1, 1997 - December 31, 1997**

Court of Appeals

Judith S. Kaye, Chief Judge

Vito J. Titone
Joseph W. Bellacosa
George Bundy Smith

Howard A. Levine
Carmen Beauchamp Ciparick
Richard C. Wesley

Chief Administrative Judge of the Courts

Jonathan Lippman

Administrative Board of the Courts

Judith S. Kaye, Chair

Francis T. Murphy
Guy J. Mangano

M. Dolores Denman
Anthony V. Cardona

UNIFIED COURT SYSTEM
1997

JONATHAN LIPPMAN
Chief Administrative Judge

JOAN B. CAREY
*Deputy Chief Administrative Judge
New York City Courts*

BARRY A. COZIER
*Deputy Chief Administrative Judge
for Management Support*

JOSEPH J. TRAFICANTI, JR.
*Deputy Chief Administrative Judge
Courts Outside New York City*

Administrative Judges

MICHAEL GAGE
Administrative Judge
New York City Family Court

ALFRED D. LERNER
Administrative Judge
Eleventh Judicial District
Supreme Court

PATRICK D. MONSERRATE
District Administrative Judge
Sixth Judicial District

JACQUELINE W. SILBERMANN
Administrative Judge
New York City Civil Court

BURTON B. ROBERTS
Administrative Judge
Twelfth Judicial District
Supreme Court

L. PAUL KEHOE
District Administrative Judge
Seventh Judicial District

JUDY HARRIS KLUGER
Administrative Judge
New York City Criminal Court

CHRISTOPHER J. MEGA
Presiding Judge
Court of Claims

VINCENT E. DOYLE
District Administrative Judge
Eighth Judicial District

STEPHEN G. CRANE
Administrative Judge
First Judicial District
Supreme Court, Civil Branch

HAROLD J. HUGHES
District Administrative Judge
Third Judicial District

ANGELO J. INGRASSIA
District Administrative Judge
Ninth Judicial District

JUANITA BING NEWTON
Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

JAN H. PLUMADORE
District Administrative Judge
Fourth Judicial District

EDWARD G. McCABE
Administrative Judge
Nassau County

MICHAEL L. PESCE
Administrative Judge
Second Judicial District
Supreme Court

WILLIAM R. ROY
District Administrative Judge
Fifth Judicial District

MARY WERNER
Administrative Judge
Suffolk County

MICHAEL COLODNER
Counsel

NOEL D. ADLER
Director, Information Technology
Department

WILLIAM L. CLAPHAM
Director, Financial Management
and Audit Services

NICHOLAS CAPRA
Director, Court Facilities Management

DAVID BOOKSTAVER
Director, Communications

MARGARET S. MORTON
Director, Human Resources

LAURA WEIGLEY ROSS
Director, Office of Administrative Services

Preface

Welcome to the 20th annual report of the Chief Administrator of the Courts. Each year, in accordance with Section 212 of the Judiciary Law, a report reflecting the activities of the courts and the state of the court system during the preceding year is submitted by the Chief Administrator to the Governor and the Legislature. Those of you familiar with the annual report will notice that this year's report has a new appearance and format. We have attempted to streamline the report so as to make it easier to navigate, while retaining all of the significant data and substantive information that we always have published.



The Derek Photographers Group

You will find here an outline of the structure of the courts, a summary of our legislative agenda, significant statistical data and some of the major highlights marked by the courts during the year 1997. The extensive statistical data relating to Family Court that is published as part of the annual report in accordance with sections 213 and 385 of the Family Court Act is being issued separately, as Volume II.

In 1997, major steps were taken to better serve the public, including establishing a website, consolidating the Office of Court Administration operations in New York City at one location, and proposing a Constitutional amendment seeking to merge the nine levels of trial courts in New York State into two.

As always, I am proud of the accomplishments of the judges and nonjudicial employees that constitute the court system and want to thank them for their dedication and commitment to the Judicial Branch and to serving the people of the State of New York.

Signature

Please Do Not Destroy or Discard This Report.

When this report is of no further value to the holder, please return it to the Office of Court Administration, 25 Beaver Street, New York, N.Y. 10004, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

Acknowledgment

The Chief Administrative Judge of the Courts gratefully acknowledges the assistance and cooperation extended to him and to the Office of Court Administration during 1997 by the Governor and his staff, members of the Legislature, members of the Judiciary, court personnel, bar associations, and individual lawyers and laypersons.

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Chapter 1

Court Structure and Statistics

The Judiciary, with the Executive and the Legislature, is one of the three co-equal branches of New York State government. The responsibility and authority for supervising the courts is vested in the Chief Judge of the Court of Appeals, who also serves as the Chief Judge of the State.

The powers and structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI provides for a unified court system for the State, specifies the organization and the jurisdiction of the courts, establishes the methods of selection and removal of judges and justices, and provides for the

administrative supervision of the courts. The State is divided into four judicial departments.

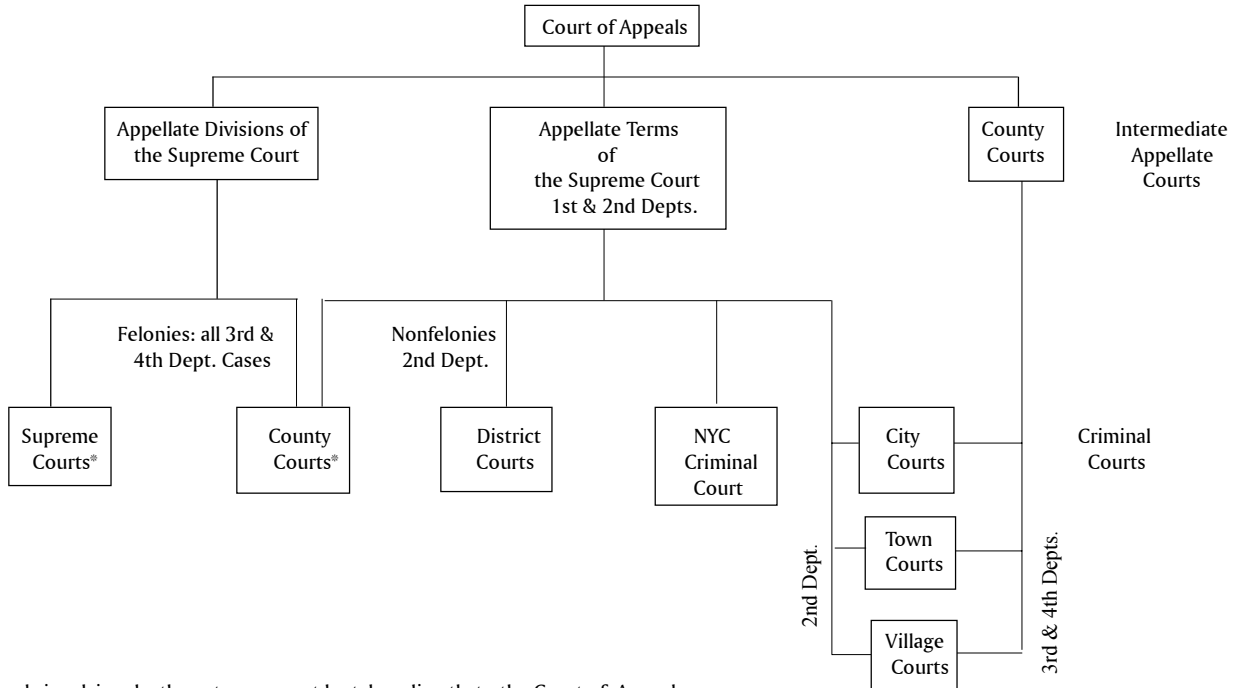
In New York State, the courts of original jurisdiction, or *trial courts*, hear a case in the first instance, and the *appellate courts* hear appeals from the decisions of those tribunals. The appellate structure of these courts is described herein and is shown in Figures 1a and 1b. This chapter identifies the different courts in the State, defines their jurisdiction, and reflects their caseload activity for the year 1997. In all, there are 1,187 judges and approximately 14,000 nonjudicial personnel throughout the system. Table 1 reflects the number of judges authorized to sit in each of the courts located in the State.



Skip Dickstein

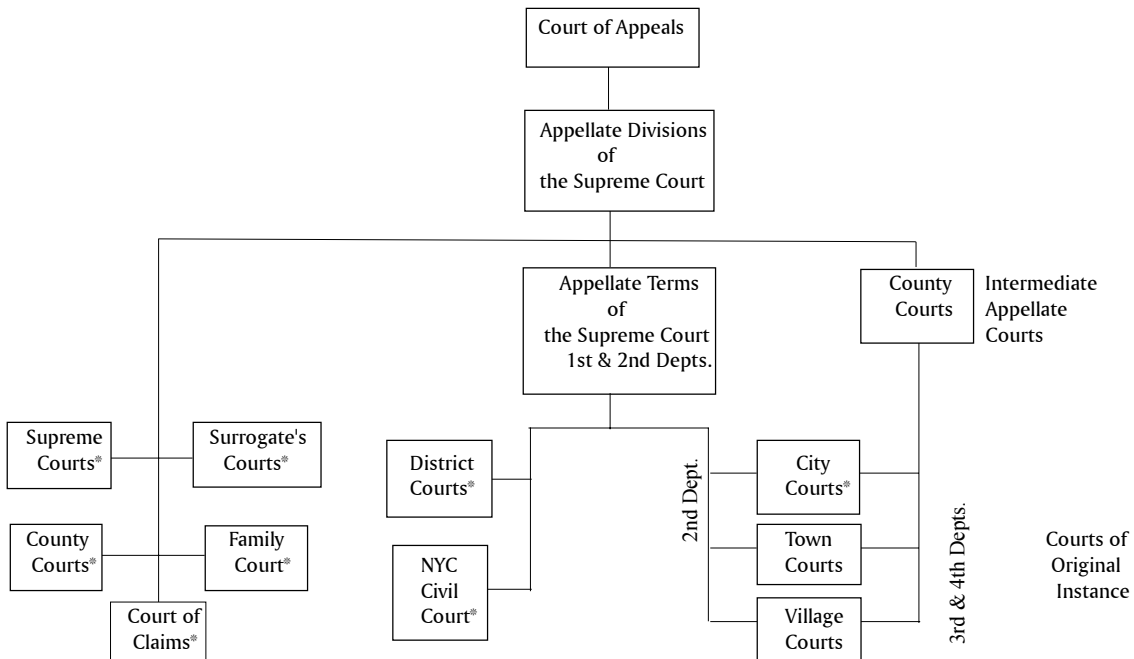
New York State Court of Appeals
 Howard A. Levine, George Bundy Smith, Richard C. Wesley, Carmen Beauchamp Ciparick, Joseph W. Bellacosa
 Vito J. Titone, Judith S. Kaye, *Chief Judge*

Figure 1a
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure



*Appeals involving death sentences must be taken directly to the Court of Appeals.

Figure 1b
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1997

<i>Number of Judges</i>	<i>Court</i>
7	..... Court of Appeals
57 ^a	..... Supreme Court, Appellate Divisions
280 ^b	..... Supreme Court, Trial Parts
55	..... Supreme Court, Certificated Retired Justices
22	..... Court of Claims
50	..... Court of Claims (15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; 23 appointed pursuant to Chapter 906, Laws of 1986; 8 appointed pursuant to Chapter 209, Laws of 1990)
30	..... Surrogate's Courts (including 6 Surrogates in the City of New York)
71	..... County Courts* (County Judges outside the City of New York in counties that have separate Surrogate's Court and Family Court Judges)
13	..... County Courts* (County Judges who are also Surrogate's Court Judges)
6	..... County Courts* (County Judges who are also Family Court Judges)
37	..... County Courts* (County Judges who are also Surrogate's and Family Court Judges)
124	..... Family Courts (including 47 Family Court Judges in the City of New York)
107	..... Criminal Court of the City of New York
120 ^c	..... Civil Court of the City of New York
50	..... District Courts (in Nassau and Suffolk Cos.)
158	..... City Courts in the 61 Cities outside New York City including Acting and Part-time Judges
<u>1,187</u>	Total
[2,300	Town and Village Justice Courts]

* In smaller counties judges may sit in two or three of the county-level courts simultaneously (County, Surrogate's or Family Courts)

a In addition to the 24 Supreme Court Justices permanently authorized, 21 Justices and 12 Certificated Retired Justices are temporarily designated to the Appellate Division.

b Does not include judges of other courts, especially the Civil and the Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year. Includes justices designated to an Appellate Term.

c Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, chapter 500, but still not filled.

Appellate Courts

Appellate Courts

The *appellate courts* are the Court of Appeals, the Appellate Divisions, the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments.

Court of Appeals

Structure

The *Court of Appeals* is the highest court in the State and is located in Albany, the capital. The Court consists of the Chief Judge and six Associate Judges. They are appointed by the Governor, with the advice and consent of the Senate, for 14-year terms, from among persons found to be well-qualified by the State Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision. In addition to hearing cases, the Court is responsible for establishing rules governing the admission of attorneys to the Bar.

The Court of Appeals hears both civil and criminal appeals. It also hears appeals from determinations by the State Commission on Judicial Conduct, which is responsible for reviewing allegations of misconduct brought against judges.

The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal

case in which the sentence is death, or a case in which the intermediate appellate-level court, the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts, and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from a court of original jurisdiction to the Court of Appeals, from a final judgment or order, in an action or proceeding in which the only question is the constitutionality of a State or federal statute. As to other matters, the Constitution provides for an appeal as a matter of right, or upon the leave or permission of the Appellate Division or the Court of Appeals, depending upon the issue.

Decisions of the Court of Appeals are final (cannot be appealed further), except that the United States Supreme Court may be asked to review cases involving questions of federal law or the United States Constitution.

Caseload Activity

During 1997, there were 242 records on appeal filed and 260 appeals and related matters decided in the Court of Appeals (see Table 2). In addition, there were 1,628 motions and 2,944 criminal leave applications decided — both numbers reflecting the continued upward trend in filings in recent years.

The Court of Appeals maintains a current docket. During 1997, the average length of time from the filing of a notice of appeal, or order granting leave to appeal, to the release to the public of a decision was 220 days.

Table 2
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1997

Applications Decided [CPL 460.20 (3:b)]	2,944
Records on Appeal Filed	242
Oral Arguments (Includes Submissions)	249
Appeals Decided	260
Motions Decided	1,628
Judicial Conduct Determinations Reviewed	4

DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS
by Basis of Jurisdiction
1997

<i>Basis of Jurisdiction</i>	<i>Affirmed</i>	<i>Reversed</i>	<i>Modified</i>	<i>Dismissed</i>	<i>Other</i>	<i>Total</i>
All Cases:						
Reversal, Modification, Dissent in Appellate Division	14	6	1	1	-	22
Permission of Court of Appeals or Judge thereof	85	64	9	3	-	161
Permission of Appellate Division or Justice thereof	27	11	2	4	-	44
Constitutional Question	11	3	-	-	-	14
Stipulation for Judgment Absolute	-	-	-	-	-	-
Other	-	1	-	1	17*	19
Total	123	79	11	8	17	238
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	14	6	1	1	-	22
Permission of Court of Appeals or Judge thereof	51	53	7	1	-	112
Permission of Appellate Division or Justice thereof	14	7	2	-	-	23
Constitutional Question	11	3	-	-	-	14
Stipulation for Judgment Absolute	-	-	-	-	-	-
Other	-	1	-	1	17*	19
Total	90	70	10	3	17	190
Criminal Cases:						
Permission of Court of Appeals or Judge thereof	34	11	2	2	-	49
Permission of Appellate Division or Justice thereof	13	4	-	4	-	21
Other	-	-	-	-	-	-
Total	47	15	2	6	-	70

*Includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g. judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.17).

Appellate Division

Structure

The *Appellate Divisions of the Supreme Court* are established in each of the State's four judicial departments (see the map at the beginning of this report). Their primary responsibilities are:

- Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.

- Establishing rules governing attorney conduct and conducting proceedings to admit, suspend, or disbar attorneys.

Each Appellate Division has jurisdiction over appeals from final orders and judgments, and from some intermediate orders rendered in county-level courts, and has original jurisdiction over selected proceedings.

As prescribed by Article VI, Section 4, of the Constitution, the Governor designates the Presiding and Associate Justices of each Appellate Division. The Presiding Justice serves for the remainder of the length of his or her term, while Associate Justices are designated for five-year terms, or for the remainder of their terms of office, whichever period is shorter.

Caseload Activity

During 1997, there were a total of 11,676 records on appeal filed in the four Appellate Divisions, while 18,874 appeals reached case disposition. (See Table 3.)

Table 3
CASELOAD ACTIVITY IN THE APPELLATE DIVISION
1997

	First Department	Second Department	Third Department	Fourth Department	Total
Records on Appeal Filed	3,436	4,265	2,205	1,770	11,676
Dispositions of Appeals:					
Disposed of Before Argument or Submission (e.g. Dismissed, Withdrawn, Settled)	443	6,004	158	36	6,641
Disposed of After Argument or Submission:					
Affirmed	2,227	2,944	1,750	1,124	8,045
Reversed	335	899	219	202	1,655
Modified	296	377	225	202	1,100
Dismissed	109	504	102	253	968
Other	131	292	32	10	465
Subtotal	3,098	5,016	2,328	1,791	12,233
Total Dispositions	3,541	11,020	2,486	1,827	18,874
Oral Arguments	1,396	2,251	1,039	961	5,647
Motions Decided	7,564	14,032	5,324	5,252	32,172
Admission to Bar	2,544	2,420	1,700	401	7,065
Attorney Disciplinary Proceedings Decided	79	133	37	26	275

Appellate Terms

appeal were filed, and 2,367 appeals reached disposition. (See Table 4.)

Structure

Appellate Terms have been established in the First and Second Departments. They exercise jurisdiction over civil and criminal appeals taken from various local courts and, in the Second Department, over non-felony appeals from the County Courts.

Section 8 of Article VI of the Constitution provides for the designation of the Justices of the Appellate Terms from among the Justices of the Supreme Court by the Chief Administrator of the Courts, with the approval of the Presiding Justice of the appropriate Appellate Division.

Caseload Activity

During 1997, in the Appellate Terms in the First and Second Departments, 2,136 records on

Court of Claims

Court of Claims

Structure

The *Court of Claims* is a special statewide trial court that has jurisdiction over claims for money damages against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, to nine-year terms.

Caseload Activity

During 1997, there were 2,312 claims filed and 2,334 cases decided in the Court.

Table 4
CASELOAD ACTIVITY IN THE APPELLATE TERMS
 1997

	First Department	Second Department	Total
Records on Appeal Filed	598	1,538	2,136
Dispositions of Appeals:			
Disposed of Before Argument or Submission (e.g. Dismissed, Withdrawn, Settled)	53	803	856
Disposed of After Argument or Submission:			
Affirmed	285	518	803
Reversed	136	350	486
Modified	53	97	150
Dismissed	20	38	58
Other	6	8	14
Subtotal	500	1,011	1,511
Total Dispositions	553	1,814	2,367
Oral Arguments	357	401	758
Motions Decided	2,122	4,912	7,034

Trial Courts

Trial Courts

Caseload Overview

The trial courts of superior jurisdiction are the Supreme Courts, the Court of Claims, the Family Courts, the Surrogate's Courts and, outside New York City, the County Courts. In New York City, the Supreme Court exercises both civil and criminal jurisdiction. Outside New York City, Supreme Court exercises civil jurisdiction, while County Court generally handles criminal matters.

The Chief Administrator has established *Standards and Goals* to provide performance measures for the courts reflecting the time elapsed from case filing to disposition. Standards and Goals have been established for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts, and for proceedings in the Family Courts. The Standards and Goals performance for each of these courts during 1997 is reported later in this chapter.

In 1997, there were 3,888,702 new cases filed in the trial courts¹ of the UCS.² Of these, 3,464,188 filings reached court calendars. Excluding parking tickets, there were 3,215,305 filings as follows: 40% (1,286,221) were filed in criminal courts, 34% (1,088,018) in civil courts, 20% (656,777) in the Family Courts, and 6% (184,289) in the Surrogate's Courts. (See Figure 2.)

Dispositions in the trial courts during 1997 totaled 3,381,802. Excluding parking tickets, there were 3,132,919 dispositions, as follows: criminal courts—40%, civil courts—36%, Family Courts—21%, and Surrogate's Courts—3%.

Table 5 shows a breakdown of filings and dispositions during 1997 in the trial courts by type of court.

¹Does not include locally-funded Town and Village Courts.

²All data in this chapter is from the Caseload Activity Reporting System of the UCS. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR §115).

Figure 2
NEW YORK STATE UNIFIED COURT SYSTEM
by Type of Case Filing
1997

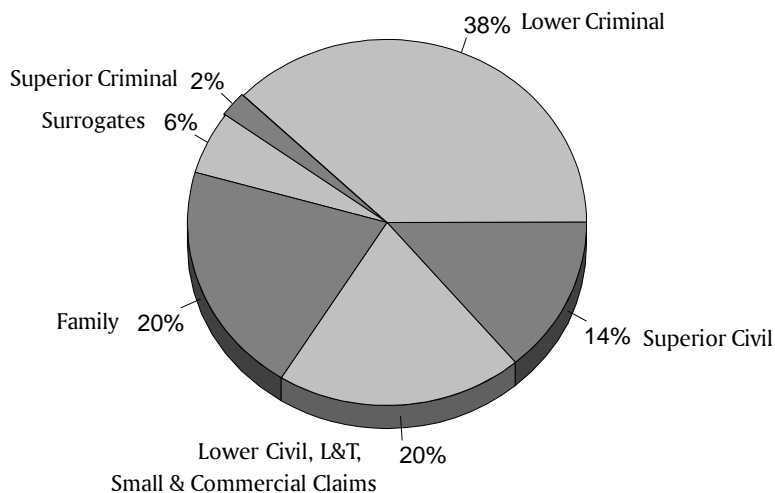


Table 5
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1997

Court	Filings	Dispositions
<i>CRIMINAL:</i>		
Supreme and County Courts	63,339	69,030
Criminal Court of the City of New York		
Arrest Cases	385,947	388,887
Summons Cases	255,829 ^a	215,609
City and District Courts Outside New York City:		
Arrest Cases	303,435	287,799
Uniform Traffic Tickets	277,671 ^b	277,671
Parking Tickets	248,883 ^b	248,883
CRIMINAL SUBTOTAL	1,535,104	1,487,879
<i>CIVIL:</i>		
Supreme Courts:		
New Cases	184,829	203,344
Ex Parte Applications	149,530	149,530
Uncontested Matrimonial Cases	50,254	52,176
Civil Court of the City of New York:		
Civil Action	108,798 ^c	108,670 ^d
Landlord/Tenant Actions and Special Proceedings	221,284 ^c	250,216
Small Claims Cases	45,151	48,506
Commercial Claims	10,070	10,513
City and District Courts Outside New York City:		
Civil Actions	121,913	104,033
Landlord/Tenant Actions and Special Proceedings	64,457	66,841
Small Claims	44,122	45,668
Commercial Claims	13,864	13,638
County Courts	18,037	17,610
Court of Claims	2,312	2,334
Arbitration Program	10,006 ^e	9,664
Small Claims Assessment Review Program	53,397	51,596
CIVIL SUBTOTAL	1,088,018	1,134,339
<i>FAMILY</i>	656,777	655,881
<i>SURROGATE'S</i>	184,289	103,703 ^f
TOTAL	3,464,188	3,381,802

^aCalendared summonses only. An additional 162,618 summonses were filed in which defendant did not appear.

^bThe disposition figure is used as the number of filings. An additional 13,418 uniform traffic tickets were filed in which defendants did not respond. An additional 36,989 parking tickets were filed in which defendant did not respond.

^cCalendared cases and default judgments only. An additional 107,612 civil actions were filed but not calendared or defaulted; an additional 103,877 landlord-tenant cases were filed but not calendared or defaulted.

^dDoes not include dispositions in the Arbitration Program.

^eShown here for reference only and not included in totals. Included as intake in the civil courts listed above.

^fSurrogate's Court dispositions include orders and decrees signed.

Courts of Superior Jurisdiction

Courts of Superior Jurisdiction

Supreme Court

Structure

The *Supreme Court* has unlimited, original jurisdiction, but generally hears cases outside the jurisdiction of other courts, such as:

- Civil matters beyond the monetary limits of the lower courts' jurisdiction
- Divorce, separation, and annulment proceedings
- Equity suits, such as mortgage foreclosures and injunctions
- Criminal prosecutions of felonies

Supreme Court justices are elected by judicial district to 14-year terms.

Caseload Activity

Civil Cases

During 1997, there were 384,613 total civil filings in the Supreme Courts in New York State. This number includes 184,829 requests for judicial intervention; 149,530 *ex parte* applications; and 50,254 uncontested matrimonial cases. A total of 405,050 matters reached disposition in 1997, including 203,344 requests for judicial intervention; 149,526 *ex parte* applications; and 52,176 uncontested matrimonial cases. Table 6 lists the number of actions filed and disposed of in each county of the State. In addition, Supreme Court hears appeals from administrative proceedings brought under the Small Claims Assessment Review Program ("SCAR"). These proceedings are commenced by owners of one-, two-, or three-family owner-occupied residences to challenge their real property tax assessments. In 1997, 53,397 SCAR petitions were filed in Supreme Court and there were dispositions in 51,596 cases. Table 7 reflects filings and dispositions for each judicial district.

Civil actions are commenced in the Supreme Court with the filing of a Request for Judicial

Intervention. Figure 3 shows a breakdown of these filings by type of case: motor vehicle - 23%, medical malpractice - 2%, other tort - 20%, tax certiorari - 12%, contract - 9%, contested matrimonial - 8% and other - 26%. (See Figure 3.) Two-thirds of the cases are disposed of before the trial note of issue is filed—either by settlement or on some other basis (e.g. dismissal, default, consolidation). The remaining third of the cases are disposed of after the note of issue is filed: settlements - 22%, verdict or decision - 4%, transfer to lower court - 2%, or other - 6%. (See Figure 4.)

For purposes of Standards and Goals compliance, there are three complementary standards which apply to all civil cases and measure the length of time from filing an action to disposition. The first, or "pre-note" standard, measures the time from filing the Request for Judicial Intervention, or RJI, (the point at which the parties first seek some form of judicial relief) to filing of the trial note of issue (indicating readiness for trial). The second, or "note" standard, measures the time from filing the trial note of issue to disposition. The third, or "overall" standard, covers the entire period from filing of the RJI to disposition.

Non-complex cases (which include most tort and contract matters) must meet the first standard within 12 months, the second within 15 months, and the third within 27 months. Complex cases (e.g., medical malpractice cases) must meet the first standard within 15 months, the second within an additional 15 months, and the third within 30 months. The only exceptions to these rules are for matrimonial cases, which must meet the first standard within six months, the second within an additional six months, and the third within a total of 12 months; and tax certiorari cases, which must meet the first standard within 48 months, the second within an additional 15 months, and the third within 63 months.

Statewide in 1997, 52% of the pending cases came within the pre-note standard, 76% of the cases met the note standard and 76% of cases fell within the overall standard.

Table 6
SUPREME COURT FILINGS AND DISPOSITIONS
1997

Location	FILINGS		Pre-Note Disp.		No te Disp.			Other Note Disp
	New Case Filings	Note Filings	Pre-Note Settle	Other Pre-Note Disp	Settle Post Note	325D	Jury Verd./Dec.	
TOTAL STATE	184829	70164	25602	108907	45093	3575	7870	12297
NYC	85755	33307	7255	53553	21073	3389	2820	3854
New York	27205	11436	2996	24538	6293	432	1093	950
Bronx	12454	4271	561	7664	3072	374	343	201
Kings	24700	8674	2490	13840	6300	2069	825	998
Queens	17902	7364	294	5293	4401	321	435	1374
Richmond	3494	1562	914	2218	1007	193	124	331
OUTSIDE NYC	99074	36857	18347	55354	24020	186	5050	8443
Albany	3608	778	290	3420	435	4	56	256
Allegany	161	48	75	67	34	0	3	9
Broome	907	282	92	682	136	0	30	149
Cattaraugus	262	96	84	71	44	0	3	34
Cayuga	846	134	40	802	57	0	45	48
Chautauqua	587	287	124	107	196	0	1	155
Chemung	489	131	54	360	92	0	21	29
Chenango	162	86	17	77	60	0	17	16
Clinton	565	88	56	501	74	0	6	28
Columbia	447	96	68	231	39	0	3	46
Cortland	144	65	17	129	26	0	2	25
Delaware	216	91	22	174	45	0	4	40
Dutchess	2682	757	1569	470	597	0	54	15
Erie	6029	1686	671	4149	957	103	149	355
Essex	201	62	36	107	95	0	4	27
Franklin	284	92	62	417	77	0	7	74
Fulton	325	177	68	111	135	0	10	63
Genesee	231	84	11	108	45	0	0	35
Greene	491	100	155	270	83	0	19	25
Hamilton	0	0	0	0	0	0	0	0
Herkimer	402	153	71	184	35	0	33	42
Jefferson	455	164	49	352	143	0	18	22
Lewis	156	35	24	100	11	0	24	9
Livingston	294	87	26	108	61	0	4	18
Madison	248	105	19	90	71	0	5	30
Monroe	3557	1638	696	2345	994	11	94	697
Montgomery	363	144	38	186	82	0	5	68
Nassau	22527	9724	5795	7171	6773	0	2364	1228
Niagara	1583	472	637	746	284	23	18	41
Oneida	3059	746	276	2105	292	12	319	189
Onondaga	3719	1267	370	2066	707	0	158	448
Ontario	450	203	94	359	152	0	7	24
Orange	3312	1292	628	2662	688	23	197	274
Orleans	279	51	72	82	35	0	2	6
Oswego	662	293	58	318	141	0	23	120
Otsego	278	112	57	161	77	0	21	13
Putnam	659	268	189	552	171	0	25	224
Rensselaer	897	355	156	662	223	0	23	76
Rockland	2989	1208	86	2347	962	0	98	170
Saratoga	1256	444	328	560	219	0	92	49
Schenectady	940	353	228	510	288	1	41	140
Schoharie	331	53	27	110	36	0	9	24
Schuyler	84	18	14	62	10	0	4	5
Seneca	170	62	23	127	29	0	0	33
St. Lawrence	548	244	47	213	96	0	9	117
Steuben	391	182	53	326	97	0	13	35
Suffolk	14897	5495	3805	7195	3525	0	478	1505
Sullivan	962	252	205	748	108	0	18	38
Tioga	123	58	10	89	52	0	5	10
Tompkins	353	157	61	298	75	0	10	101
Ulster	2628	583	442	794	428	0	37	236
Warren	406	151	94	199	102	0	19	11
Washington	411	70	87	289	54	3	3	21
Wayne	379	105	46	334	48	0	5	141
Westchester	10395	5117	11	8231	3697	6	432	808
Wyoming	193	22	6	369	14	0	0	17
Yates	81	34	8	51	13	0	3	24

Figure 3
REQUESTS FOR JUDICIAL INTERVENTION
by Type of Filing
1997

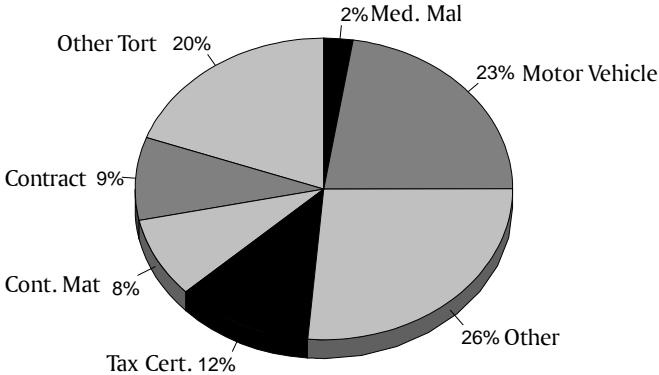


Figure 4
REQUESTS FOR JUDICIAL INTERVENTION
by Type of Disposition
1997

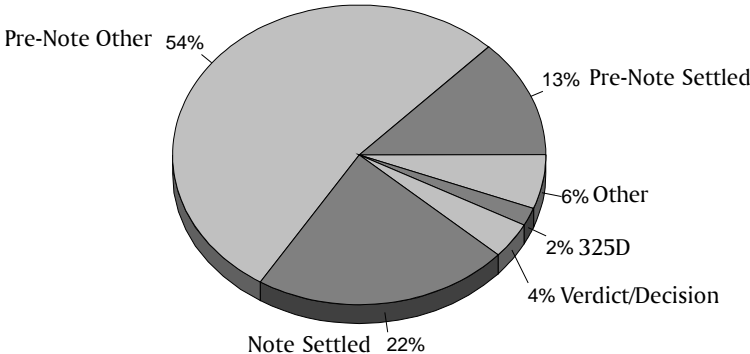


Table 7
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS
by Judicial District
1997

	Filings	Dispositions	Pending
New York City:			
1 st	9	10	9
2 nd	250	89	237
11 th	725	2,024	717
12 th	7	7	145
Subtotal	991	2,130	1,108
Outside New York City:			
3 rd	524	533	3
4 th	648	659	14
5 th	457	564	47
6 th	295	295	0
7 th	226	225	1
8 th	790	790	0
9 th	4,202	5,761	2,005
10 th - Nassau County	34,175	32,139	22,410
10 th - Suffolk County	11,089	8,500	7,832
Subtotal	52,406	49,466	32,312
Statewide	53,397	51,596	33,420

Criminal Cases

Criminal felony cases are heard in the Supreme Court in New York City and predominantly in the County Courts outside of New York City. In 1997, there were a total of 63,339 filings of felony cases in the Supreme and County Courts. Table 8 shows 1997 filings and dispositions for each county. Although most cases reach disposition by plea (85%), the majority of judicial time is spent conducting trials - both jury and non-jury. (See Figure 5.)

The court system's performance standard for felony cases is disposition within six months from filing of the indictment, excluding periods when a case is not within the active management of the court (e.g. warrant outstanding). In 1997, 81% of

felony case dispositions statewide (in both Supreme and County Courts) were achieved within the six-month standard.

County Court

The *County Court* is established in each county outside New York City. It is authorized to handle criminal prosecutions of both felonies and lesser offenses committed within the county, although in practice most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases, generally involving amounts up to \$25,000. County Court judges are elected to terms of 10 years. The statistical data for County Court's criminal felony caseload and its compliance with standards and goals are reported above, in conjunction with those for the Supreme Court.

Figure 5
FELONY DISPOSITIONS
by Type of Disposition
1997

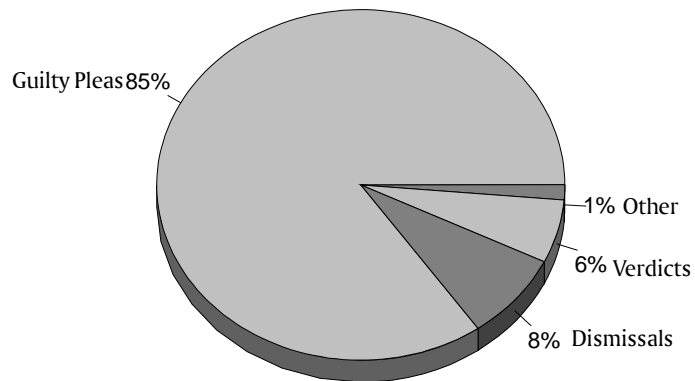


Table 8
SUPERIOR COURT CRIMINAL
Indictments Filed and Disposed
1997

LOCATION	Filings			Dispositions						
	Total	Indictments	Superior Court Informations	Total	Pleas	Jury Convictions	Jury Acquittals	Non-Jury Verdicts	Dismissals	Other
TOTAL STATE	63339	42422	20917	69030	58558	2514	868	732	5271	865
TOTAL NYC	36679	28370	8309	41770	34358	1664	635	450	4046	594
New York	12236	10637	1599	14120	11515	600	175	85	1475	254
Bronx	8573	5968	2605	9867	8286	301	198	147	803	126
Kings	9048	7496	1552	10306	8543	392	114	74	1038	145
Queens	6055	3799	2256	6627	5281	337	135	128	683	63
Richmond	767	470	297	850	733	34	13	16	47	6
OUTSIDE NYC	26660	14052	12608	27260	24200	850	233	282	1225	271
Albany	794	427	367	742	667	39	10	1	19	1
Allegany	82	35	47	91	86	1	1	0	1	2
Broome	846	335	511	904	812	29	9	6	39	9
Cattaraugus	157	94	63	168	159	4	0	1	3	0
Cayuga	151	85	66	149	134	6	1		7	1
Chautauqua	467	213	254	526	474	1	2	3	27	4
Chemung	324	311	13	334	297	15	5	7	10	0
Chenango	82	76	6	96	89	1	2	0	4	0
Clinton	255	105	150	248	232	7	1		6	2
Columbia	137	92	45	134	122	6	1	1	4	0
Cortland	112	79	33	89	80	1	5		3	0
Delaware	61	31	30	53	39	4	0	1	3	6
Dutchess	444	203	241	433	395	7	1	0	24	5
Erie	2327	1296	1031	2388	2018	77	34	64	132	10
Essex	130	106	24	126	97	4	1	0	8	5
Franklin	92	45	47	86	75	1	1	0	2	1
Fulton	136	60	76	142	136	3	0	0	0	1
Genesee	173	101	72	170	163	3	1	0	1	2
Greene	88	72	16	101	81	4	1	0	10	4
Hamilton	10	4	6	16	13	0	0	2	0	1
Herkimer	184	105	79	191	176	5	1	0	8	1
Jefferson	345	262	83	352	308	10	3	0	30	1
Lewis	65	28	37	78	69	0	0	0	7	0
Livingston	262	203	59	293	264	6	0	0	20	3
Madison	134	78	56	122	113	2	0	3	4	0
Monroe	1978	887	1091	2130	1822	120	23	56	64	8
Montgomery	91	49	42	115	105	9	0	0	0	1
Nassau	3665	1049	2616	3854	3322	83	23	42	318	61
Niagara	360	219	141	413	354	29	3	0	24	3
Oneida	878	696	182	847	768	24	4	3	29	2
Onondaga	1149	690	459	1195	1055	33	13	5	78	5
Ontario	392	226	166	360	327	20	2	5	4	2
Orange	815	525	290	835	770	23	4	1	29	8
Orleans	148	133	15	130	105	6	6	0	8	5
Oswego	238	127	111	279	261	5	1	1	7	1
Otsego	84	53	31	90	48	2	3	0	7	29
Putnam	94	29	65	102	93	6	0	0	3	0
Rensselaer	487	294	193	435	386	17	5	2	14	11
Rockland	557	425	132	502	467	15	0	4	14	2
Saratoga	170	73	97	171	161	6	1	0	3	0
Schenectady	528	364	164	484	429	20	6	0	22	5
Schoharie	37	28	9	28	22	2	2	0	0	2
Schuyler	29	24	5	29	27	2	0	0	0	0
Seneca	85	62	23	95	87	4	1	0	0	3
St Lawrence	252	157	95	232	203	10	8	0	11	0
Steuben	312	157	155	390	347	4	3	0	7	29
Suffolk	3193	1724	1469	3255	2992	61	11	25	125	22
Sullivan	261	96	165	291	272	15	1	0	2	0
Tioga	113	100	13	101	94	2	2	0	3	0
Tompkins	160	97	63	167	143	11	5	0	8	0
Ulster	286	193	93	245	221	10	4	3	7	
Warren	125	39	86	140	118	4	1	2	11	3
Washington	193	152	41	166	148	9	2		6	1
Wayne	255	124	131	307	288	4	2	1	11	1
Westchester	1721	755	966	1698	1540	49	16	43	34	6
Wyoming	91	29	62	89	78	4	1	0	4	2
Yates	55	30	25	53	48	5	0	0	0	0

Trial Courts of Limited Jurisdiction in New York City

Trial Courts of Limited Jurisdiction in New York City

New York City Civil Court

Structure

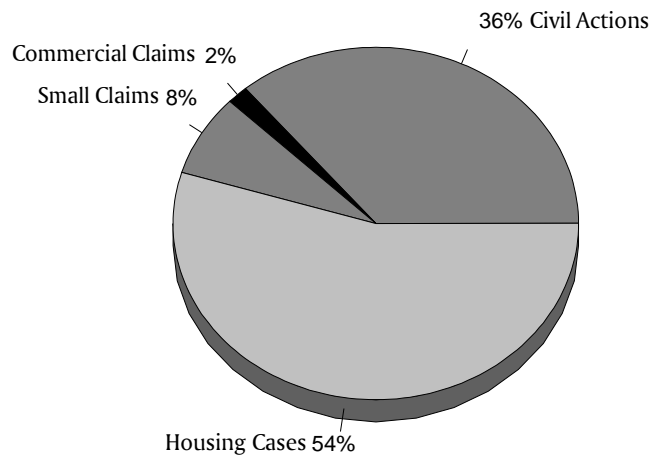
The *New York City Civil Court* has jurisdiction over civil cases involving amounts up to \$25,000. It includes a Small Claims Part and a Commercial Small Claims Part for the informal disposition of matters not exceeding \$3,000. It also has a Housing Part for landlord-tenant proceedings.

New York City Civil Court judges are elected to 10-year terms. Housing judges are appointed by the Chief Administrator of the Courts to 5-year terms.

Caseload Activity

In 1997, there were 596,792 filings and 417,905 dispositions in Civil Court. The large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party. Figure 6 shows the proportion of actions filed in each part of the Court during 1997: general civil - 36%, housing - 54%, small claims - 8%, and commercial claims - 2%.

Figure 6
NYC CIVIL COURT
by Type of Filing
1997



New York City Criminal Court

Structure

The *New York City Criminal Court* handles misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for felonies. New York City Criminal Court judges are appointed by the Mayor to 10-year terms.

Caseload Activity

During 1997, there were 385,947 filings in the New York City Criminal Court. (See Figure 7.)

The majority (51%) of the cases reached disposition by plea; 34% were dismissed; 7% were sent to the grand jury; and 2% pled to a superior court information. Only 0.1% of the dispositions in the Criminal Court are by verdict after trial. (See Figure 8.)

During 1997, 255,829 summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant) were added to the calendar. An additional 162,618 summons cases were filed but were not added to the calendar because the defendant did not appear. There were 215,609 dispositions.

Figure 7
NYC CRIMINAL COURT FILINGS
 by Type of Filing
 1997

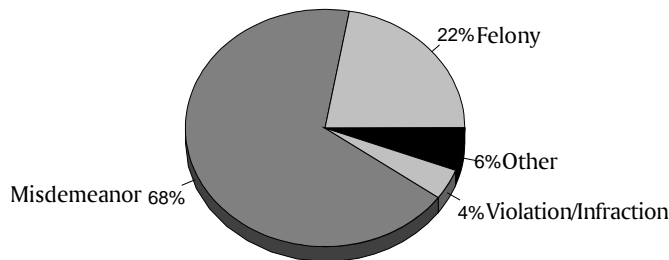
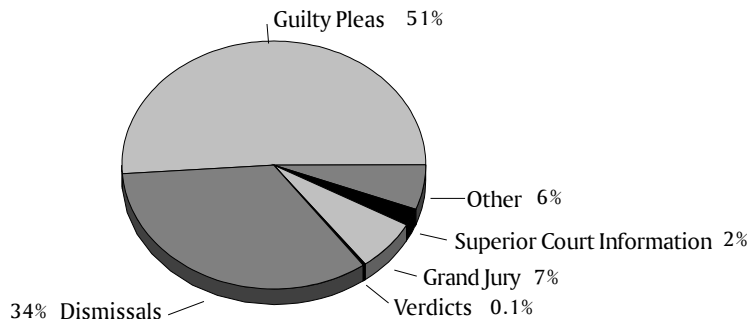


Figure 8
NYC CRIMINAL COURT DISPOSITIONS
 by Type of Disposition
 1997



Trial Courts of Limited Jurisdiction Outside New York City

Trial Courts of Limited Jurisdiction Outside New York City

District and City Courts

The *trial courts of lesser jurisdiction* outside New York City are the City Courts and District Courts.

Structure

City Courts have civil jurisdiction to a maximum of \$15,000. Some City Courts have a Small Claims Part for the informal disposition of matters not exceeding \$3,000, and a Housing Part for hearing housing violations and landlord-tenant disputes. In addition, City Courts exercise criminal jurisdiction over misdemeanors, uniform traffic tickets, and parking tickets in jurisdictions without a parking violations bureau. The judges in these courts serve as criminal magistrates, with the power to arraign felonies and to issue warrants. City Court judges are either elected or appointed, depending upon the particular city. The term of

office for full-time judges is 10 years, and for part-time judges, six years.

District Courts exist in Nassau County and in the five western towns of Suffolk County. District Court jurisdiction extends to civil cases involving amounts up to \$15,000 and to small claims matters not in excess of \$3,000. In criminal cases, District Courts have jurisdiction over misdemeanors, violations and offenses, and conduct arraignments in felony cases. District Court judges are elected to six-year terms.

Caseload Activity

There were 244,356 filings and 230,180 dispositions of civil actions in the City and District Courts in 1997. Figure 9 contains a comparison of the filing of different types of all actions. During 1997, there were a total of 303,435 criminal filings in the City and District Courts and 287,799 dispositions. See Table 9 for a breakdown of the caseload activity in the courts of limited jurisdiction outside New York City.

Figure 9
CITY AND DISTRICT COURTS
by Type of Filing
1997

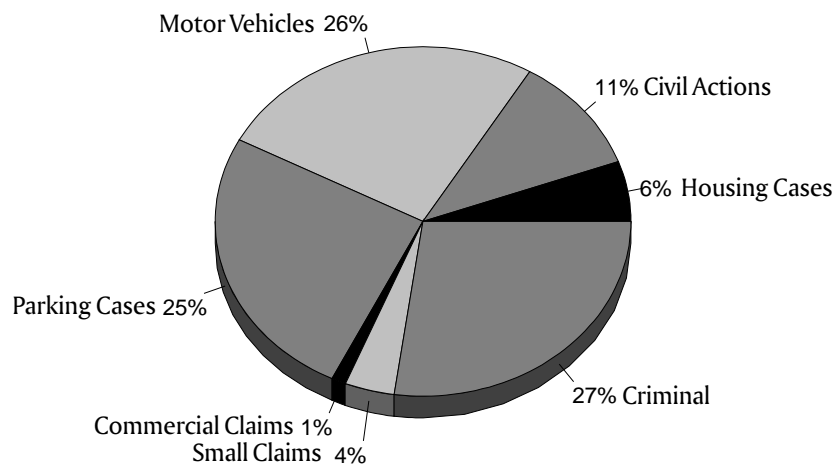


Table 9
COURTS OF LIMITED CIVIL JURISDICTION
Caseload Activity
1997

	<i>Filings</i>	<i>Dispositions</i>
City & District Courts		
<i>Criminal:</i>		
Arrest Cases	303,435	287,799
Uniform Traffic Tickets*	291,089	277,671
Parking Tickets	285,872	248,883
<i>Civil:</i>		
Civil	121,913	104,033
Housing	64,457	66,841
Small Claims	44,122	45,668
Commercial Claims	13,864	13,638
Total	1,124,752	1,044,533
County Courts	18,037	17,610

* Includes both answered and and unanswered cases

Family Court

Family Court

Structure

The *Family Court* is established in each county and the City of New York to hear matters involving children and families. Its jurisdiction includes:

- Adoption
- Guardianship
- Foster care approval and review
- Delinquency
- Persons in need of supervision
- Family offense (domestic violence)
- Child protective proceedings (abuse and neglect)
- Termination of parental rights
- Custody and visitation
- Support

Family Court judges are elected to 10-year terms in each county outside New York City, and are appointed to 10-year terms by the Mayor in New York City.

Caseload Activity

During 1997, there were 656,777 cases filed in the Family Courts throughout New York State, the largest number of cases ever filed in Family Court. In 1997, a record 655,881 cases reached disposition in Family Court. A breakdown of filings and dispositions is contained in Table 10. The statistical data included in the Annual Report pursuant to sections 213 and 385 of the Family Court Act can be found published separately as Volume II of this report.

The different types of cases filed in Family Court during 1997 are indicated in Figure 10. Cases involving paternity, support, custody, and family offenses comprised 78% of the caseload. The remaining cases involved child abuse and neglect (10%), juvenile delinquency or designated felony cases (4%), persons in need of supervision (2%), adoption (2%), termination of parental rights cases (2%), and all other case types (2%).

The court system's performance standard for Family Court cases is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the Court. In 1997, 95% of dispositions statewide were reached within the standard.

Figure 10
FAMILY COURT
Filings by Case Type
1997

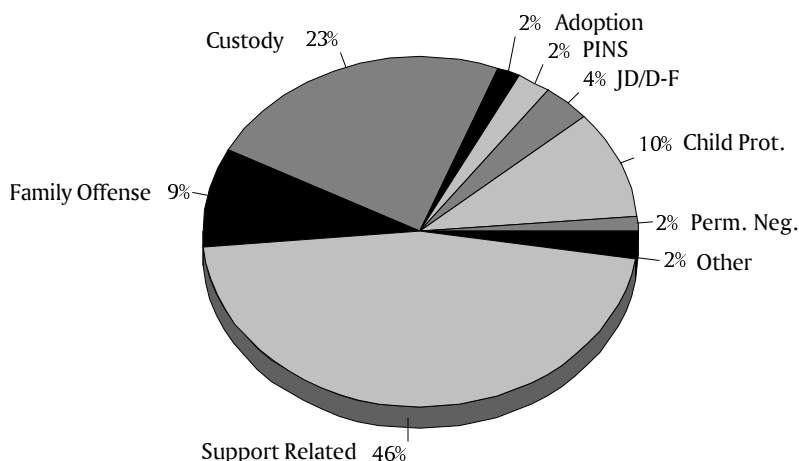


Table 10
FILINGS AND DISPOSITIONS IN FAMILY COURTS
Statewide by Type of Petition
1997

<i>TYPE OF PETITION</i>	<i>STATE</i>		<i>NYC</i>		<i>OUTSIDE NYC</i>	
	<i>FILINGS</i>	<i>DISPOSITIONS^a</i>	<i>FILINGS</i>	<i>DISPOSITIONS</i>	<i>FILINGS</i>	<i>DISPOSITIONS</i>
Permanent Neglect	12,039	12,410	9,799	10,147	2,240	2,263
Child Protective (Neglect & Abuse)	63,400	62,283	30,568	29,793	32,832	32,490
Juvenile Delinquency	23,578	23,853	7,628	7,819	15,950	16,034
Designated Felony	918	869	620	565	298	304
Persons in Need of Supervision	15,690	16,618	3,502	4,382	12,188	12,236
Adoption	6,620	6,422	3,801	3,580	2,819	2,842
Adoption Certification	580	641	174	193	406	448
Surrender of Child	3,715	3,644	2,673	2,631	1,042	1,013
Guardianship	4,716	4,678	3,246	3,291	1,470	1,387
Custody of Minors	152,386	149,845	35,644	35,002	116,742	114,843
Foster Care Review	6,455	6,561	2,534	2,604	3,921	3,957
Approval for Foster Care	2,958	3,137	1,980	2,143	978	994
Physically Handicapped	29	31	17	23	12	8
Family Offense	58,338	57,458	26,464	25,965	31,874	31,493
Paternity	95,764	95,041	51,787	51,612	43,977	43,429
Support	185,133	185,947	38,884	40,160	146,249	145,787
Uniform Support of Dependents Law	23,733	25,709	11,130	13,019	12,603	12,690
Consent to Marry	200	205	28	28	172	177
Other	525	529	120	120	405	409
TOTAL	656,777	655,881	230,599	233,077	426,178	422,804

^aPetition type may change between filing and disposition

Surrogate's Court

Surrogate's Court Structure

The *Surrogate's Court* is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, and adoptions. Surrogates are elected to 10-year terms in each

county outside New York City and to 14-year terms in each county in New York City. (See Table 11.)

Caseload Activity

During 1997, there were 184,289 petitions filed and 103,703 dispositions in Surrogate's Court statewide.

Table 11
CASELOAD ACTIVITY IN SURROGATE'S COURTS STATEWIDE
1997

NUMBER OF PROCEEDINGS BY CASE TYPE	PETITIONS FILED	CITATIONS (RETURNABLE)	ORDERS TO SHOW CAUSE FILED	GUARDIAN AL APPOINTED	ANSWERS OBJECTIVE FILED	BONDS FILED	BONDS DISPENSED WITH	TRIAL NOTES OF ISSUE FILED	ORDERS SIGNED	DECREES SIGNED	LETTERS ISSUED	MISC.
1. PROBATE	48,544	15,503	639	2,468	695	620	6,593	128	13,071	35,634	39,763	27,170
2. ADMINISTRATION	12,229	3,059	176	178	159	1,950	6,732	4	1,492	10,607	10,591	6,325
3. VOLUNTARY ADM.	15,762	21,524			1							2,407
4. ACCOUNTING	33,136	4,339	676	946	798	55	793	40	5,749	3,663		58,752
5. INTER VIVOS TRST	296	127	16	29	18	2	28		120	108		958
6. MISCELLANEOUS	11,371	2,821	1,886	552	753	169	1,043	108	8,747	2,937		13,816
7. GUARDIAN/CONSER.	32,438	1,421	248	510	54	175	1,500	1	11,526	4,515	3,741	14,645
8. ADOPTION	2,927	345	29	107	26			10	4,998		3,180	6,036
9. ESTATE TAX	27,586		35						536			2,190
10. TOTAL (1-9)	184,289	49,139	3,705	4,790	2,504	2,971	16,689	291	46,239	57,464	57,275	132,299
B. SURROGATE, LAW DEPARTMENT AND LAW CLERK:												
11. TRIALS AND HEARINGS COMMENCED BY SURROGATE					5,786							
12. REFEREE HEARINGS COMMENCED					1,299							
13. CONFERENCES COMM. BY LAW DEPT OR LAW CLERK:					100,670							
14. CONF. ON LEGAL MATTERS COMM. BY CHIEF CLERK					83,981							
15. EXAMINATIONS HELD					1,956							
16. WRITTEN DECISIONS					13,013							
17. OPINIONS AND MEMORANDA ISSUED					8,815							
OTHER:												
18. CERTIFICATES ISSUED					357,978							
19. ANNUAL GUARD/CONSERV. ACCTGS					25,372							
20. WILLS FILED FOR SAFEKEEPING					10,210							
21. FILES REQUISITIONED					611,229							
22. PAGES CERTIFIED					84,118							
23. EXEMPLIFICATIONS					4,642							
24. SEARCHES COMPLETED					29,709							
25. WITNESSES EXAMINED BY CLERK					1,998							
26. INVENTORIES FILED PURSUANT TO UCR 207.20					25,569							
27. STATEMENTS FILED PURSUANT TO UCR 207.59					387							
28. PERSONS ADOPTED					1,989							
29A. ESTATE TAX RETURNS FILED												
29B. CALENDARED MATTERS (EFFECTIVE 6/94)					38,495							
30. UNCERTIFIED PAGES (PHOTOCOPIES)					321,397							
31. FILE NUMBERS ISSUED					72,125							

Arbitration

Description

Part 28 of the Rules of the Chief Judge (22 NYCRR), provides for the establishment of mandatory arbitration programs. Thirty-one counties operate such programs. Outside New York City, the program involves damages claimed of \$6,000 or less, while in New York City, cases are limited to \$10,000 or less.

Caseload Activity

Statewide, 10,006 cases were received for arbitration in 1997. There were 9,664 dispositions, followed by 933 demands for trial *de novo*. Table 12 shows details of the arbitration program by district.

Community Dispute Resolution Centers Program

Description

The Community Dispute Resolution Centers Program ("CDRCP") provides financial support and

program oversight to nonprofit community organizations that offer dispute resolution services in all 62 counties in the State. These centers provide cost-effective dispute resolution alternatives to court for the resolution of civil, minor criminal, and family disputes.

Case workload in each center includes walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Depending upon the matter in dispute or the choice of the parties, the CDRCP can be used instead of court or after the start of court proceedings. Where appropriate, agreements constructed by parties during the ADR process serve as legally binding contracts or are reviewed by judges to be entered into a court-ordered document.

Caseload Activity

In 1997, the centers received a total of 40,803 cases for review, of which 23,152 cases were determined to be appropriate for ADR. Table 13 reflects the number of cases filed for possible review and the number of cases actually handled by each center.

Arbitration

Community Dispute Resolution Centers Program

Table 12
INTAKE, DISPOSITIONS, AND TRIALS *DE NOVO* IN ARBITRATION PROGRAM
1997

	Intake	Dispositions	Demands for Trial de Novo	De Novo Rate
1 st Judicial District	2,145	2,006	372	19%
2 nd Judicial District	0	0	0	0%
3 rd Judicial District	29	36	1	3%
4 th Judicial District	16	37	3	8%
5 th Judicial District	168	141	3	2%
6 th Judicial District	66	48	2	4%
7 th Judicial District	3,866	3,873	223	6%
8 th Judicial District	193	205	14	7%
9 th Judicial District	219	238	0	0%
10 th Judicial District	3,304	3,080	315	10%
11 th Judicial District	0	0	0	0%
12 th Judicial District	0	0	0	0%
Statewide Total	10,006	9,664	933	10%

Table 13
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
1997

COUNTY/PROGRAM	CASES	Conciliations	Mediations	Arbitrations	Other	Total Conc./ Med., Arb.	# of Persons Served
ALBANY COUNTY	572	12	428	18	114	458	1345
ALLEGANY COUNTY	64	28	13	0	23	41	128
BRONX COUNTY	3085	197	827	5	2056	1029	6732
BROOME COUNTY	2376	72	1090	6	1208	1168	5279
CATTARAUGUS COUNTY	306	94	34	4	174	132	612
CAYUGA COUNTY	223	49	98	2	74	149	495
CHAUTAUQUA COUNTY	319	120	85	4	110	209	638
CHEMUNG COUNTY/NJP	294	163	22	2	107	187	624
CHENANGO COUNTY	199	48	23	1	127	72	392
CLINTON COUNTY	142	16	31	0	95	47	323
COLUMBIA COUNTY	153	17	71	0	65	88	375
CORTLAND COUNTY/NEW JUSTICE	201	25	81	0	95	106	665
DELAWARE COUNTY	56	2	24	3	27	29	122
DUTCHESS COUNTY	410	16	269	0	125	285	982
ERIE COUNTY	4600	2263	349	141	1847	2753	9290
ESSEX COUNTY	53	10	17	4	22	31	152
FRANKLIN COUNTY	108	76	10	0	22	86	216
FULTON COUNTY	93	30	26	0	37	56	147
GENESEE COUNTY	96	33	5	11	47	49	192
GREENE COUNTY	547	281	95	4	167	380	1274
HAMILTON COUNTY	2	1	0	0	1	1	5
HERKIMER COUNTY/CDRP	328	128	42	15	143	185	1529
JEFFERSON COUNTY	824	93	421	4	306	518	1739
KINGS COUNTY	4042	66	1565	0	2411	1631	8915
LEWIS COUNTY	105	14	41	0	50	55	244
LIVINGSTON COUNTY	263	20	142	2	99	164	1084
MADISON COUNTY	76	12	42	1	21	55	254
MONROE COUNTY	1126	151	436	40	499	627	2885
MONTGOMERY COUNTY	97	6	74	0	17	80	191
NASSAU COUNTY	4297	301	2975	60	961	3336	9238
NIAGARA COUNTY	259	135	12	2	110	149	598
NY COUNTY /UCS - MANH. COMMUN. CRT.	1	0	1	0	0	1	2
NY COUNTY/VICTIM SERVICES	1537	50	555	1	931	606	2778
NY COUNTY/WASHINGTON HTS.	227	64	97	0	66	161	537
ONEIDA COUNTY	910	104	316	109	381	529	1904
ONONDAGA COUNTY/NEW JUSTICE	734	111	254	16	353	381	2017
ONONDAGA COUNTY/VOL.CTR.	46	12	11	0	23	23	91
ONTARIO COUNTY	146	2	65	6	73	73	305
ORANGE COUNTY	1082	15	889	5	173	909	2507
ORLEANS COUNTY	20	9	6	0	5	15	40
OSWEGO COUNTY	112	18	35	0	59	53	352
OTSEGO COUNTY	230	14	106	4	106	124	639
PUTNAM COUNTY	264	45	169	17	33	231	603
QUEENS COUNTY	2492	238	1104	29	1121	1371	5254
RENSSELAER COUNTY	667	9	118	3	537	130	2145
RICHMOND COUNTY	1127	103	560	0	464	663	2552
ROCKLAND COUNTY	412	12	220	26	154	258	921
SARATOGA COUNTY	265	25	63	9	168	97	600
SCHENECTADY COUNTY	380	43	101	11	225	155	966
SCHOHARIE COUNTY	87	43	11	0	33	54	143
SCHUYLER COUNTY	60	23	12	0	25	35	147
SENECA COUNTY	17	0	9	0	8	9	35
ST. LAWRENCE COUNTY	420	246	82	6	86	334	900
STEBEN COUNTY	207	109	14	0	84	123	780
SUFFOLK COUNTY	932	11	725	77	119	813	2349
SULLIVAN COUNTY	178	15	90	1	72	106	374
TIOGA COUNTY	208	38	70	0	100	108	528
TOMPKINS COUNTY	687	114	186	3	384	303	1590
ULSTER COUNTY	331	44	207	4	76	255	675
WARREN COUNTY	103	6	41	4	52	51	274
WASHINGTON COUNTY	307	5	165	3	134	173	725
WAYNE COUNTY	94	18	29	0	47	47	235
WESTCHESTER COUNTY	1052	437	245	11	359	693	2889
WYOMING COUNTY	50	17	11	0	22	28	100
YATES COUNTY	102	8	76	0	18	84	228
Totals	40803	6487	15991	674	17651	23152	92850

Chapter 2

The Administration of the Courts

Court Administration

Section 28 of Article VI of the State Constitution provides that the *Chief Judge* of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a *Chief Administrator of the Courts* (or Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The *Administrative Board* consists of the Chief Judge as chair and the Presiding Justices of the four Appellate Divisions of the Supreme Court. The *Chief Judge* establishes statewide administrative standards and policies after consultation with the Administrative Board and approval by the Court of Appeals.

The *Court of Appeals and the Appellate Divisions* are responsible for the administration of their respective courts. The Appellate Divisions also oversee several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and the Mental Hygiene Legal Service.

The *Chief Administrator*, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts - the Office of Court Administration (OCA). In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges who supervise the day-to-day operations of the trial courts in New York City and in the rest of the state, respectively; a Deputy Chief Administrator, who supervises the operations of the units that make up the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

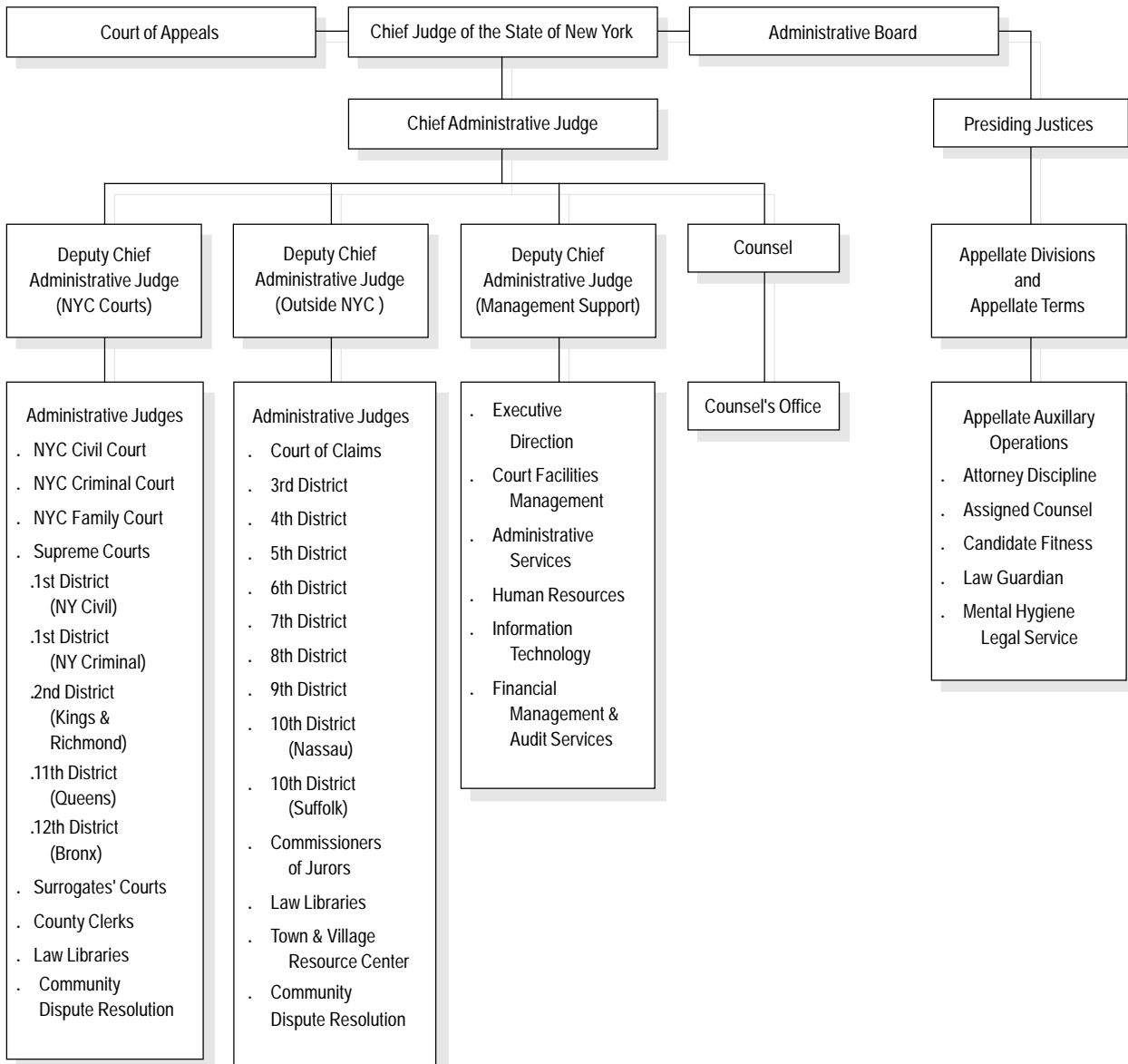
Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. In each upstate judicial district, there is a District Administrative Judge who is responsible for supervising all courts and agencies. The Deputy Chief Administrative Judge for the Courts outside New York City is responsible for the overall management and administration of the courts outside New York City. In New York City, an Administrative Judge supervises each of the major courts, and the Deputy Chief Administrative Judge for the Courts within New York City is responsible for the overall management and administration of the courts within the City. The Administrative Judges manage court caseloads and are responsible for general administrative functions, including personnel and budget administration.

The *Office of Management Support* provides the administrative services required to support all court and auxiliary operations. These services include fiscal management; information technology; data processing and data services; administrative services; human resources, including employee relations, personnel, EEO, education and training, payroll, and judicial benefits; communications; the Office of the Inspector General; court security services; libraries and records management; and the Community Dispute Resolution Centers Program. The work of a number of these support units during 1997 is highlighted later in this chapter.

Counsel's Office prepares and analyzes legislation, represents the UCS in litigation, and provides various other forms of legal assistance to the Chief Administrator. The legislative work of Counsel's Office during 1997 is reported in Chapter 4. (See Figure 11 for a diagram of the administrative structure of the UCS.)

Court Administration

Figure 11
UNIFIED COURT SYSTEM
Administrative Structure



The Chief Judge and the Chief Administrator also rely on many advisory groups in meeting their administrative responsibilities. Among these are the Judicial Conference, the Advisory Committee on Civil Practice, the Advisory Committee on Criminal Law and Procedure, the Family Court Advisory and Rules Committee, the Surrogate's Court Advisory Committee, and the Local Courts' Advisory Committee. The work of the Advisory Committees during 1997 is summarized in Chapter 4.

Court officials have established other committees or commissions, such as: the Franklin H. Williams Judicial Commission on Minorities, the Permanent Judicial Commission on Justice for Children, the New York Judicial Committee on Women in the Courts, the Ethics Commission for the Unified Court System, the Pro-Bono Monitoring Committee, the Criminal Pattern Jury Instructions Committee, and the Advisory Committee on Judicial Ethics. The accomplishments of some of these groups during 1997 are outlined elsewhere within this Report.

The Court System's Budget

The budget for the UCS is based upon a fiscal year that runs from April 1 through March 31 of the following year. Each year, the court system's budget is presented by the Chief Administrative Judge to the Court of Appeals for approval and for certification by the Chief Judge. After certification, it is transmitted to the Governor for inclusion in the State budget. Although the court system's budget is to be submitted by the Governor without revision, there may be included such recommendations as are deemed appropriate by the Governor.

The budget request prepared by the UCS is divided into two parts, covering personal services (salaries for judges and nonjudicial personnel) and nonpersonal services (all other expenses, including equipment, facilities, etc.). Over 80% of the budget is allocated to paying for personal services.

The budget request submitted for the 1997-98 fiscal year was approved by the Legislature intact. A total of \$952.2 million was appropriated to the courts, reflecting a 6.6 percent increase over the previous year's allocation. This budget

includes funding for 205 new positions for specific targeted initiatives. The funding will continue, undiminished, to support the operational capacity of trial courts to process current caseloads and also support the continuation of the aggressive program commenced by the Chief Judge and Chief Administrative Judge to achieve economy and efficiency through reducing the administrative overhead (streamlining) of the UCS.

Information Management in the Trial Courts

The creation and management of information is one of the principal activities performed in the trial courts of the UCS in support of administration and the case disposition process. Administrative oversight of information processing in the trial courts is the function of the Division of Information and Technology ("the Division").

Throughout 1997, the Division continued the expansion of its statewide telecommunications network (CourtNet). By the end of 1997, over 20,000 network cables had been wired in courtrooms, chambers, back offices, libraries, and other working areas. Internet work equipment and data communication circuits were installed at more than 70 court locations statewide. Three quarters of the judges have attended intensive computer training classes and received their own notebook computers. Those notebook computers, together with desktop computers distributed to court staff, provide word processing, electronic mail, and legal research tools, as well as Intranet access. During 1997, over 1,000 laptop computers were issued to judges and 3,000 new desktop computers deployed to every district and court in the State.

To support the operations of high-volume courts, and district and central administrative offices, the UCS maintains centralized on-line applications supported by mainframe processors and minicomputers operating from the UCS's dual-site Technology Services Unit located in Rensselaer Technology Park and nearby Albany. Centralized applications supported by mainframe processing include the Criminal Records and

Information Management in the Trial Courts

The Court System's Budget

Office of Reference Services

Information Management System (CRIMS); the Jury Management System (JMS); the Civil Case Information System (CCIS); the New York City Family Court System (AFCRIS); the Housing Court Information System (HCIS); the New York City County Clerk Judgment Docket and Lien Book System (JDLS); the Caseload Activity Reporting System (CARS); the Automated Payroll/Personnel Information System (APPIS); on-line budget and fiscal applications, and other administrative on-line and batch applications. In addition, centralized application data is downloaded and/or re-keyed to microcomputers for local applications and used to generate specialized reports.

During 1997, enhancements were made to many systems supported by the Division:

- Most of the upstate courts were added to the electronic transmission system in which criminal dispositions are electronically transmitted from the courts to the Division facility at Rensselaer to be forwarded to the Department of Criminal Justice Services for application to its criminal history file.
- Conversion of the Jury Management System for compliance with the year 2000 processing was begun.
- The Distributed Automated Family Court Records Information System (DAFCRIS), which assists in the production and processing of petitions and orders in Family Court, was implemented in New York County, with expansion of this process anticipated for the remaining counties in New York City in 1998.
- The New York City Housing Part introduced a system in which cases are randomly assigned to judges by computer, in available court parts based upon case type.
- Development began of an online Summons System for the New York City Criminal Court.

- The Civil Case Management System, initially developed for the Commercial Division judges and staff in Supreme Court, was expanded to Kings, Suffolk, and New York Counties, permitting judges and court personnel to obtain information on civil Supreme Court cases from the bench or back-office using a computer connected to CourtNet.

- DataCase, inaugurated in 1996 to provide to the public online access to court records for a fee, was expanded to provide information to over 1,000 individual paying public users and over 600 users in the UCS who have access to the information without charge.

Office of Reference Services

The Office of Reference Services (ORS) manages legal research resources, libraries, court records, and micrographics services.

During 1997, the UCS web site on the Internet (ucs.ljx.com) was launched, providing to people all over the world information about the courts, including court rules and forms, employment announcements, information about courthouses, and court reports. The page is receiving over 100,000 "hits" each month. The home page is shown on the following page.

An 800 number (800-COURTNY or 888-COURTNY) is answered by court librarians to conduct information triage for callers, connecting them to the appropriate court, research material, jurisdiction, or other government agency, as appropriate. In 1997, an average of 180 telephone calls were received each month.

ORS currently supports and facilitates the operation of nine CD towers that contain 110 legal reference titles, placed in selected court libraries around the State. Four of the towers have capabilities for dial-in access and average over 500 searches per month.

New York State Unified Court System
This Site is Under Construction

Need Information About NYS Courts?
Call 1-888-COURTNY (1-888-268-7869)

1-800-NY-JUROR: Unified Court System Jury Service
1-800-578-JOBS: Employment Opportunities Test Examination Information
1-800-654-5578: Office of Court Administration UCS Job Postings
1-800-4EEO-HELP (1-800-433-6435) Office of Court Administration EEO Inquiry Line for Complaints

Court of Appeals - Updated Rules
Supreme Court New York County - Civil Branch
Seventh Judicial District
Court Merger
Handbook for Criminal Defendants

Please send comments or suggestions to rfraley@pppmail.appliedtheory.com. If you would like to use our comment form please click the e-mail bullet below. Please include your e-mail address in all correspondence.

E-mail

The home page of the UCS's web site which is continually revised and updated

Court Facilities Program

The care of existing court facilities and the development and construction of new ones is a major ongoing activity for the UCS. Since 1987, the Court Facilities Act ("CFA") has provided the framework and direction for statewide oversight of the maintenance and construction of court facilities, which are the responsibilities of the localities.

To provide financial assistance to local governments in meeting these needs, the CFA created the Court Facilities Incentive Aid Fund, a state special revenue fund supported by various court filing fees and fee increases. The Fund provides an interest subsidy, ranging from 25 to 33 percent, to reduce the cost of borrowing money to finance court improvements. In SFY 1997-98, the State will have given \$14.2 million to 15 cities and 34 counties in interest-subsidy payments. The Fund also provides a subsidy, ranging from 10 percent to 25 percent, for maintenance and operations expenses. In SFY 1997-98, the State will have distributed about \$13 million in aid to 57 counties and 62 cities. In SFY 1997-98, the State also will have given over \$900,000 to the City of New York and to Monroe County for facilities' costs associated with the Appellate Division.

Court Facilities Program

1997 saw the formal opening of three new facilities in New York City: a new Housing Court in the Bronx, a new Civil and Housing Court in Queens, and a new facility for court agencies in Staten Island. Other developments in New York City during 1997 focused on the remaining planning and programming issues with respect to three major projects — a massive new Criminal and Supreme Criminal Courthouse in the Bronx, a new Family Court complex in Queens, and a new Family Court and Supreme Criminal Court facility in Brooklyn. Detail design on these projects should proceed rapidly in 1998, with construction to commence in 1999.

Outside New York City in 1997, new courthouses were completed in the Cities of Utica and Norwich, and in Dutchess, Essex, Genesee, and Wayne Counties. Also, construction for a vitally needed new Family Court in Rensselaer County proceeded, and ground was broken for new courthouses in Herkimer and Orange Counties. In Monroe County, a new facility for the Appellate Division will be provided by renovating and expanding an existing building in downtown Rochester. In 1997, this project advanced through the design stage, and the facility will be constructed in 1998. Planning and design work for other new courthouses continues, as do various renovations, expansions,

upgrades of building systems, and other facilities improvements in court buildings across the State.

In 1996, the CFA was amended to provide cities and counties with one hundred percent reimbursement by contract, beginning in April 1998 and phasing in over three years, for the costs associated with cleaning the courts and making minor repairs. This aid program, which is replacing a partial subsidy for maintenance and operations, should

result in further significant improvements in court operations while providing additional fiscal relief and administrative streamlining for local governments.



The new Civil Court building in Queens County

Teodora Ermanson

personal interest to judges, and programs for special courts. A wide variety of computer workshops were available and judges were able to participate in an interactive video training program in evidence. The faculty included judges, academics, hard science and behavioral science experts, and practicing attorneys.

Capital Cases Workshops
December 15 - 16, 1997

E&T sponsored a program for approximately 45 felony-level trial judges who may be called upon to preside over death penalty

cases. The program consisted of presentations on constitutional issues, a review of the New York statute, pre-trial management, jury selection, pre-trial and trial issues, and the sentencing phase of a capital case.

Education and Training Programs

Education and Training Programs

The Education and Training Division ("E&T") is responsible for providing continuing education for judges and nonjudicial employees. This includes the local town and village justices, a group largely composed of nonlawyers. In 1997, more than 3,000 judges and town and village justices, and approximately 14,000 nonjudicial personnel, attended education programs facilitated or financed by the UCS.

Programs For State-Paid Judges

1997 Judicial Seminars

July 9-11, 1997
July 15 - 18, 1997

Over 1,000 judges attended one of the two three-day annual judicial seminars. Judges were offered over 40 sessions of classes each week in subject areas covering civil, criminal, family, and trusts and estates law, as well as evidence and judicial skills. Sessions also covered substantive annual updates, UCS initiatives, evaluations of new legislation and professional rules, new developments in trial techniques, programs of

Orientation Program For Newly-Elected and Newly-Appointed Judges

December 8- 12, 1997

Approximately 80 Judges participated in a five-day seminar designed for judges who recently were elected or appointed to the bench. They attended lectures and workshops on a wide variety of substantive legal subjects and on courtroom case management, with a particular emphasis on the knowledge and skills needed to start their judicial careers. Each new judge was assigned a more seasoned mentor judge for advice and consultation.

Judicial Automation Forum

July 8 and 15, 1997
November 5, 6, 7, 1997
December 9, 10, 11, 1997

This program was designed to acquaint judges with laptop computers. Judges participated in hands-on workshops in Windows NT, WordPerfect 8, GroupWise, and Legal Research Utilizing CD-ROM. Judges also participated in group demonstrations focusing

on CourtNet and Public Access. In all, over 550 judges participated in the training.

Administrative Judges Program

Meetings were held several times during the year as part of an on-going program designed specifically to enhance the knowledge and awareness of Administrative Judges about recent management trends and to serve as a forum for discussion of specific issues that affect Administrative Judges in their roles as managers of the courts.

Town and Village Justice Training Program

There are approximately 2,230 town and village justices in the State, of which close to 75 percent are not lawyers. New justices who are not lawyers are required to complete a six-day basic certification course covering the fundamentals of law and their responsibilities as justices. These basic courses were offered six times during 1997 and attended by approximately 150 justices. In addition, a training program for Town and Village Court clerks was presented 12 times around the State.

Each year, town and village justices are required to attend an advanced continuing judicial education program. In addition to the attendance requirement, all non-lawyer town and village justices must pass a written examination that is administered at each program. The advanced course consists of two days of instruction covering selected legal topics; participants in 1997 attended lectures covering issues such as domestic violence, DWI laws, landlord/tenant proceedings, felony hearings, and statute and case law updates.

A separate Town and Village Courts Resource Center ("Center"), operating independent of E&T, offers advice and guidance to the justices of Town and Village Courts and their court clerks throughout the State. It is staffed by attorneys who provide assistance on legal questions, and by non-attorneys who serve as advocates in dealing with the localities in connection with a variety of issues including facilities and personnel. In 1997, the Center's staff was expanded to provide guidance and assistance to the judges and staff of the City Courts and it was renamed the City, Town and Village Courts Resource Center. During the

year, the Center handled approximately 13,000 inquiries.

Nonjudicial Programs

Programs are offered to the approximately 14,000 nonjudicial employees, covering effective job performance, management and supervisory development, and individual skills development. In 1997, these programs included workshops on EEO issues, management skills, court operations, and computers.

Annual Nonjudicial Association Seminars

Annual meetings of the nonjudicial associations bring court employees who work in similar courts or job titles together to exchange ideas and attend workshops and lectures on the substantive and technical areas affecting their courts. During 1997, two combined annual seminars were held. The City and District Court Clerks Association joined with the Commissioners of Jurors Association and the Supreme and County Court Clerks Association. And the Family Court Clerks Association, the Law Librarians Association, the Surrogate's Court Chief Clerks Association, and the Surrogate's Court Law Assistants Association held a joint meeting.

The Ethics Commission for the Unified Court System

In order to help preserve the integrity of governmental institutions, New York State requires that public employees 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 (in 1997, \$60,235), or are determined to hold policy-making positions, to file annual statements of financial disclosure setting forth detailed personal financial information.

The Ethics Commission for the Unified Court System is responsible for collecting these financial disclosure statements and for administering the filing process. The Commission is composed of five members, two of whom must

The Ethics Commission for the Unified Court System

be judges and two of whom must not be public officers or employees. It is empowered to grant exemptions from filing and approve the deletion of items of information from public disclosure, as appropriate. Any covered person who fails to 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. In 1997, approximately 4,100 judges and nonjudicial personnel will be required to file financial disclosure statements.

Attorney Registration and Statement Filings

Attorney Registration and Statement Filings

OCA is responsible for maintaining a variety of records and data concerning the status of attorneys and case processing. An explanation of that information and the filings for 1997 are reported below.

Attorney Registration

All attorneys admitted and licensed to practice law in the State of New York, whether resident or not, are required biennially to file a registration statement, and, unless they are retired from the practice of law, to pay a \$300 registration fee. During 1997, approximately 56,000 registrations were processed and \$16,584,950 in registration fees recorded. As of the end of calendar year 1997, approximately 171,765 attorneys were registered with OCA. Table 14 reflects the number of attorneys registered by county and Judicial Department as of the end of 1997.

Retainer and Closing Statements

Pursuant to 22 NYCRR Parts 603.7, 691.20 and 1022.2, every attorney who enters into a contingent-fee agreement in any case involving personal injury, property damage, wrongful death, or claims in connection with condemnation or change-of-grade proceedings in the First, Second, or Fourth Judicial Departments must file a statement of retainer with OCA, containing the terms of compensation.

In addition, in any case or proceeding in which a retainer statement is required, a closing

statement must be filed with OCA within 15 days after the attorney receives or shares any sum received in connection with the claim. This statement must include information indicating the gross amount of the settlement or award (if any), the net distribution between client and attorney, and a breakdown of other expenses and disbursements.

In 1997, a total of 310,734 retainer and closing statements were processed. Of those, 122,907 were filed in the First Department; 167,814 in the Second; and 20,1013 in the Fourth Department. Financial data concerning closing statements filed in calendar year 1997 is available upon request from OCA.

Appointment of Fiduciaries

Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36) requires that all appointments of guardians, court evaluators, attorneys for alleged incapacitated persons, referees, guardians *ad litem*, receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts, unless the court finds that there is good reason to appoint someone who is not on the list and places a statement to that effect on the record.

During the period from April 1, 1986 (when Part 36 was promulgated) through December 31, 1997, approximately 15,800 applications were filed with OCA from individuals and institutions that had indicated their availability to serve in some capacity under this Rule. Table 15 shows the distribution by county of those applications. It also shows the distribution by county of the 1,058 applications filed from January 1, 1997 through December 31, 1997. From January 1, 1997 through December 31, 1997, there were 10,012 statements of appointment filed with the Chief Administrator. Table 16 reflects the number of those appointments by county.

Statements of Approval of Compensation

Section 35-a of the Judiciary Law requires judges who approve the payment of a fee for more than \$200 for services performed by any person appointed by the court in any capacity to

file a statement of approval of compensation with OCA. In 1997, OCA received a total of 6,883 statements of approval of compensation.

Adoption Affidavits

In accordance with the rules of the respective Appellate Divisions, 22 NYCRR Parts 603.23 (1st

Dept.), 691.23 (2nd Dept.) 806.14 (3rd Dept.) and 1022.33 (4th Dept.), all attorneys in adoption proceedings must file an affidavit with OCA concerning the adoption prior to the entry of the adoption decree. The objective of this filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services. During 1997, 7,982 adoption affidavits were filed with OCA.

Table 14
ATTORNEY REGISTRATION BY LOCATION
County of Business
1997

<i>Location</i>	<i>Total</i>	<i>Location</i>	<i>Total</i>
Albany	3,479	Otsego	85
Allegany	49	Putnam	224
Bronx	1,935	Queens	4,058
Broome	574	Rensselaer	355
Cattaraugus	96	Richmond	913
Cayuga	104	Rockland	1,114
Chautauqua	216	St. Lawrence	120
Chemung	168	Saratoga	350
Chenango	68	Schenectady	390
Clinton	113	Schoharie	41
Columbia	148	Schuyler	23
Cortland	61	Seneca	34
Delaware	86	Steuben	131
Dutchess	694	Suffolk	4,480
Erie	3,939	Sullivan	194
Essex	90	Tioga	52
Franklin	70	Tompkins	292
Fulton	71	Ulster	375
Genesee	77	Warren	190
Greene	80	Washington	63
Hamilton	7	Wayne	84
Herkimer	81	Westchester	6,463
Jefferson	162	Wyoming	35
Kings	5,408	Yates	21
Lewis	19	Outside N.Y.	
Livingston	69	State	40,301
Madison	98	Missing County	16,885
Monroe	2,756		
Montgomery	85	First Department	61,413
Nassau	10,214	Second Department	34,329
New York	61,413	Third Department	7,728
Niagara	348	Fourth Department	11,109
Oneida	527		
Onondaga	2,087		
Ontario	144		
Orange	761	Total	173,700
Orleans	26		
Oswego	104		

TABLE 15
APPOINTMENT OF FIDUCIARIES
Application by County
AS OF 12/31/97

LOCATION	INDIVIDUALS		INSTITUTIONS		TOTAL		LOCATION	INDIVIDUALS		INSTITUTIONS		TOTAL*	
	Filed	Filed	Filed	Filed	Filed	Filed		Filed	Filed	Filed	Filed	Filed	Filed
	01/01/97- 12/31/97	04/01/86- 12/31/97	01/01/97- 12/31/97	04/01/86- 12/31/97	01/01/97- 12/31/97	4/01/86- 12/31/97		01/01/97- 12/31/97	04/01/86- 12/31/97	01/01/97- 12/31/97	04/01/86- 12/31/97	01/01/97- 12/31/97	04/01/86- 12/31/97
Albany	30	630	...	2	30	632	Niagara	40	979	...	...	40	
Albany 979													
Allegany	7	147	...	1	7	148	Oneida	13	248	...	1	13	249
Bronx	204	3383	...	7	204	3390	Onondaga	23	291	...	...	23	291
Broome	10	381	...	3	10	384	Ontario	24	376	...	1	24	377
Cattaraugus	12	312	...	1	12	313	Orange	56	699	...	...	56	699
Cayuga	9	161	...	1	9	162	Orleans	13	251	...	...	13	251
Chautauqua	11	345	...	...	11	345	Oswego	7	137	...	...	7	137
Chemung	0	76	...	2	0	78	Otsego	7	118	...	1	7	119
Chenango	8	133	...	3	8	136	Putnam	58	856	...	1	58	857
Clinton	5	70	...	1	5	71	Queens	287	4711	...	9	287	4720
Columbia	13	218	...	1	13	219	Rensselaer	21	468	...	1	21	469
Cortland	2	118	...	2	2	120	Richmond	132	1747	...	5	132	1752
Delaware	4	115	...	3	4	118	Rockland	99	1311	...	2	99	1313
Duchess	59	781	...	1	59	782	St. Lawrence	7	72	...	...	7	72
Erie	63	1589	...	2	63	1591	Saratoga	31	551	...	1	31	552
Essex	7	102	...	...	7	102	Schenectady	23	512	...	1	23	513
Franklin	12	69	...	...	12	69	Schoharie	9	110	...	1	9	111
Fulton	8	124	...	...	8	124	Schuyler	2	56	...	...	2	56
Genesee	19	386	...	...	19	386	Seneca	6	112	...	1	6	113
Greene	17	180	...	...	2	17	182Steuben	10	148	...	...	3	10
Greene 151													
Hamilton	5	55	...	...	5	55	Suffolk	215	2839	...	5	215	2844
Herkimer	4	135	...	...	4	135	Sullivan	11	192	...	1	11	193
Jefferson	12	75	1	1	13	76	Tioga	6	151	...	2	6	153
Kings	298	4931	...	9	298	4940	Tompkins	3	96	...	1	3	97
Lewis	6	63	...	...	6	63	Ulster	18	363	...	...	18	363
Livingston	30	284	...	2	30	286	Warren	16	217	...	...	16	217
Madison	17	226	...	1	17	227	Washington	18	174	...	...	16	174
Monroe	41	829	...	3	41	832	Wayne	13	323	...	1	18	324
Montgomery	11	152	...	1	11	153	Westchester	213	3137	...	4	213	3141
Nassau	275	4589	...	8	275	4597	Wyoming	6	245	...	...	13	245
New York	333	4994	...	9	333	5003	Yates	14	104	...	1	6	105
							Totals	2935	47157	...	109	2936	47266

* Applicants may list more than one county. The total for January 1, 1997 through December 31, 1997 represents the distribution of 1,058 applications. The total for April 1, 1986 through December 31, 1997 represents 15,801 applications.

Table 16
APPOINTMENTS OF FIDUCIARIES
Appointments Reported by County
January 1, 1997 through December 31, 1997

<i>Location</i>	<i>Total</i>	<i>Location</i>	<i>Total</i>
Albany	179	Otsego	46
Allegany	14	Putnam	29
Bronx	430	Queens	809
Broome	226	Rensselaer	80
Cattaraugus	37	Richmond	333
Cayuga	42	Rockland	134
Chautauqua	53	St. Lawrence	39
Chemung	71	Saratoga	123
Chenango	36	Schenectady	171
Clinton	26	Schoharie	21
Columbia	28	Schuyler	12
Cortland	44	Seneca	11
Delaware	37	Steuben	42
Dutchess	160	Suffolk	1,082
Erie	1028	Sullivan	43
Essex	33	Tioga	65
Franklin	14	Tompkins	40
Fulton	33	Ulster	98
Genesee	39	Warren	39
Greene	13	Washington	26
Hamilton	5	Wayne	69
Herkimer	24	Westchester	364
Jefferson	77	Wyoming	17
Kings	840	Yates	22
Lewis	25		
Livingston	37		
Madison	34		
Monroe	577		
Montgomery	34		
Nassau	469		
New York	661		
Niagara	179		
Oneida	158		
Onondaga	346		
Ontario	61		
Orange	152		
Orleans	15		
Oswego	61		
		Total New York State	10,012

Chapter 3

Program Highlights

The diverse committees established by the UCS and the numerous court initiatives undertaken are integral to the effective operation and administration of the courts. Each year existing programs achieve new goals, while new initiatives and innovations are launched in the ongoing effort to better deliver justice to the public served by the courts. This chapter highlights some of those accomplishments and the progress achieved during 1997.

Center for Court Innovation

Center for Court Innovation

The Center for Court Innovation is a unique public-private partnership established by the UCS for the purpose of developing and implementing new programs to improve court operations. In 1997, the Center focused its efforts on the following three initiatives:

Community Courts: The Midtown Community Court, the nation's first community court, opened

its doors in 1993, sentencing quality-of-life criminal offenders in midtown Manhattan to community service and providing on-site social services. During 1997, two new community courts were being developed, one in Harlem and one in Red Hook, Brooklyn. These will be multi-jurisdictional facilities in which a single judge will handle family and civil as well as criminal court cases. In addition, both Harlem and Red Hook will house social services — job training, health care, education — that will be available to the entire community.

Treatment Courts: The Brooklyn Treatment Court sentences nonviolent, substance-abusing criminal defendants to drug treatment instead of incarceration. Using the Brooklyn Treatment Court as a model, the Center has provided assistance to drug court planning efforts throughout the state. In 1997, eight drug courts were in operation in New York, while another six were in the planning stages. The Center is



Chief Judge Kaye attending the first graduation of the Brooklyn Court Treatment Program

Teodora Ermansons

spearheading the development of new technology that will link all of the state's drug courts, improving accountability and access to information for judges. The Center also has worked to bring the lessons of drug courts to a new setting: Family Court. In early 1997, two new "family treatment courts" were launched — one in Suffolk County, the other in Manhattan — to handle cases of child neglect involving substance-abusing parents. The Family Treatment Courts link parents to drug treatment and closely monitor their performance.

Domestic Violence Courts: The Brooklyn Domestic Violence Court provides enhanced services to victims and strict judicial monitoring of felony offenders. Based on its success, the Court is now being replicated citywide for misdemeanor offenses. The Center is supervising the creation of a Domestic Violence Court in the Bronx, and is helping to improve victim safety by developing technology to track offender compliance and notify the court upon violation.

In recognition of the Court System's pioneering work to rethink the administration of justice, the U.S. Justice Department has asked the Center to provide technical assistance to other states interested in court reform. The Center's assistance takes several forms: workshops, site visits, how-to manuals, and an innovative website, www.communitycourts.org. As a result, 18 cities across the country are working to replicate New York's community courts.

Judicial Advisory Councils

Judicial Advisory Councils were established during 1993 and 1994 in four localities of the State to work with the 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. New York is one of four states participating in the project, along with New Jersey, Tennessee, and Washington. The pilot sites for the project in New York are: Nassau

County, Queens County, and the Seventh and Eighth Judicial Districts. Each Council focuses on a number of issues of concern to its local community.

During 1997, the Eighth Judicial District Advisory Council sponsored lectures at community organizations to discuss recent changes in jury practices and obtain feedback on what additional changes might be needed; 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 Judicial Advisory Council for the Seventh Judicial District completed the restructuring of its court tours program, offered in conjunction with the Monroe County Bar Association; inaugurated a Monroe County "Teen Court;" continued its efforts in support of jury diversification; and began a study of the issue of youth violence and how the Council might appropriately address this issue.

The Council for the Tenth Judicial District evaluated the possibility of creating a community court in Hempstead, Long Island; worked to finalize a plan to create a children's center in the Nassau County District Court; sought to improve the conditions of jury service; and worked to enhance the Supreme Court building in Mineola through improved landscaping. Similarly, the Council for Queens has helped to improve the appearance of the courthouses there; provided educational programs for Queens citizens on areas of the law that impact on them, such as landlord-tenant and domestic relations law; worked closely with the local media to increase public understanding of the court system; and collaborated with the Queens County Clerk to facilitate improvement of the juror experience.

The Commercial Division

The Commercial Division of the Supreme Court, established to handle and facilitate the

Judicial Advisory Councils

The Commercial Division

Alternative Dispute Resolution

resolution of business litigation, began operation in November, 1995, in Monroe and New York Counties. Since commercial litigation is frequently complex and lengthy, with extensive motion practice, the Commercial Division, in consultation with members of the commercial bar and bar leadership, has sought to employ a variety of technology and advanced case management techniques in a highly successful attempt to streamline and expedite the commercial litigation process. As a result, in 1997, the average number of days from filing of a request for judicial intervention to disposition in New York County was 32 percent lower than in 1992.

In New York County, in 1997, separate motion calendars were instituted to improve case processing. Commercial practitioners who encounter disputes over requests for adjournments of motions now are able to obtain a resolution of their disputes by phone, without the need to go to court. The introduction of the UCS's web site in 1997 has allowed the Division to make available on the Internet a variety of rules and guidelines relating to the Division. Attorneys in Monroe County now may answer calendar calls over the Internet, without having to appear in court.

The year 1997 also saw the inauguration in the Division in New York County of the Courtroom of the 21st Century, the first fully automated courtroom in the State. The courtroom's state-of-the-art features include real-time court reporting facilities, devices for the electronic presentation of evidence, high tech monitors (placed at strategic locations, including the jury box), an electronic blackboard, and a touch screen monitor at the witness stand.

The Division also has instituted a highly successful Alternative Dispute Resolution Program in New York County, in which appropriate cases are referred to ADR after initial review by the Division's judges. In 1997, 56 percent of the cases referred to ADR were settled, while additional cases were resolved, following conclusion of ADR, as a result of having gone through the process. There also is an ADR program in operation in Monroe County.

Alternative Dispute Resolution

Through the Community Dispute Resolution Centers Program (CDRCP), the court system provides financial support and program oversight to nonprofit community organizations that offer dispute resolution services for 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.

In 1997, in response to the recommendations of the final report of the Chief Judge's Task Force on ADR, issued after two years of study of the use of ADR in New York and throughout the country, the court system introduced a series of pilot ADR programs around the State using mediation, neutral evaluation, and arbitration to handle a variety of matters, including custody, visitation, divorce, and personal injury. Cases are referred to these programs by judges, who retain ultimate authority over them. These pilots will serve as prototypes for continued expansion of court-referred ADR throughout the court system. To supervise the pilots and the further development of court-referred ADR, the UCS established the position of Statewide ADR Coordinator.

Franklin H. Williams Judicial Commission on Minorities

The Franklin H. Williams Judicial Commission on Minorities, which was established in 1991, works to assure fair and equal treatment, free from taint or the perception of bias, prejudice, or discrimination, for all individuals in the UCS. In carrying out this mandate in 1997, the Commission conducted studies, conferred with focus groups, and held judicial seminars to sensitize the Judiciary to issues affecting minority litigants, attorneys, and jurors. It also held public hearings throughout the State in order to identify problems and issues that affect minority personnel within the court system.

Among its activities in 1997, the Commission presented a colloquium at the judicial seminars

Franklin H. Williams Judicial Commission on Minorities



Joyce Hartsfield

Members of the Judicial Commission on Minorities meet with the Chief Judge, the Chief Administrative Judge and OCA's Director of Human Resources

entitled "Affirmative Action Realities;" joined with the Administrative Judge of Supreme Court, New York County, in hosting a luncheon for the purpose of making judges aware of the existence and availability of minority banks for appointment in those situations that mandate the appointment of a financial institution; and sponsored a forum on police brutality in conjunction with the New York County Lawyers' Association, the minority bar associations and other community organizations.

The New York State Judicial Committee on Women in the Courts

The New York State Judicial Committee on Women in the Courts was established in response to a 1986 report from the Task Force on Women in the Courts, which concluded that there was a pervasive bias against women within the New York courts. The Committee, which is composed of judges, court administrators, bar leaders, and advocates for women, works to eradicate discrimination on the basis of gender in the courts.

The Committee has organized judicial education programs, produced pamphlets,

conducted surveys, planned public forums, sponsored programs, proposed legislation, and made suggestions for improving court operations. During 1997, the Committee's projects touched on such issues as domestic violence, child support, matrimonial practice, and judicial responses to women in the courts.

Working with a network of local gender-bias and gender-fairness committees established with the assistance of the Committee under the auspices of local administrative judges, the Committee helped produce programs throughout the State for Domestic Violence in the Workplace Day. The Committee also proposed legislation to simplify enforcement of spousal and child support orders in Supreme Court; successfully advocated to have applications for employment within the Unified Court System include inquiries about compliance with court-ordered support; co-sponsored programs on matrimonial practice and domestic violence with panels moderated by the Committee's chair; and collected data on the number of women in the State's Judiciary.

The Committee also inaugurated a newsletter and published an updated second edition of its pamphlet entitled "Fair Speech: Gender Neutral Language in the Courts." The pamphlet is available from the Committee,

The New York State Judicial Committee on Women in the Courts

located at 25 Beaver Street, Eighth Floor, New York, New York 10004.

Permanent Judicial Commission on Justice for Children

Program on the Profession and the Courts

Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children (the Commission) was established to address the problems of children whose lives and life chances are affected by the New York State court system.

The Commission was instrumental in helping to pass the Early Intervention Laws of 1992 and 1993, which created an entitlement program for children with, or at risk of, developmental delay and other disabilities. In 1997, over 34,000 children received individually tailored early intervention services that may include only one therapy or an array of services.

The Commission worked to establish the nation's first statewide program of Children's Centers in the Courts. The Children's Centers provide quality drop-in child care services to children while their care-givers attend to court business, and an opportunity for families to learn about and gain access to vital social services. During 1997, the 14 Centers served over 40,000 children and referred over 500 children to essential services.

The Commission's most recent project began in 1994, when the New York Court of Appeals designated it to implement the State Court Improvement Project, a four-year federally funded program to assess and improve foster care, termination of parental rights, and adoption proceedings. After a comprehensive study and evaluation, the Commission developed a reform agenda for handling child welfare cases that defines core principles of leadership for improving the outcome for children in foster care. In order to accomplish this, Family Court must protect the rights of children by preventing unnecessary placements and promoting permanency; oversee the development and implementation of effective

case plans developed by the Department of Social Services; and work to create the services needed by children and families involved in the court process. Pilot projects to implement these reform activities are being conducted in two counties -- Erie and New York -- and other pilots are under development.

Program on the Profession and the Courts

In 1996, the UCS developed the Program on the Profession and the Courts to help improve public satisfaction with the legal profession. In 1997, a number of significant initiatives were implemented as part of this Program.

A mandatory continuing legal education requirement for newly admitted attorneys was introduced, requiring attorneys who are admitted in the State of New York on or after October 1, 1997, to complete 16 hours of continuing legal education in each of the first two years following admission to the Bar. A Continuing Legal Education Board was established, composed of 16 members, including judges, lawyers, and law school deans, to oversee the program and the accreditation of continuing legal education providers. The continuing legal education program is scheduled to be expanded in 1998 to include all attorneys admitted to practice in the State, requiring that they comply with CLE requirements each year.

In 1997, Standards of Civility were adopted that set forth principles of behavior to which attorneys, judges and court staff should aspire. In addition, the Administrative Board of the Courts gave final approval to a Statement of Client's Rights, to take effect on January 1, 1998. The Statement of Client's Rights, drafted in clear, simple language, is intended to serve as an educational tool to enhance a client's understanding of the attorney-client relationship. It is codified at 22 NYCRR Part 1210, and is required to be posted in attorneys' offices. To be submitted to the Administrative Board for approval in January, 1998, is a Statement of

Client's Responsibilities, drafted in collaboration with the New York State Bar Association. Its adoption will help ensure that clients have a complete and balanced understanding of the attorney-client relationship.

Access to the Courts for Individuals with Disabilities

The UCS is continuing to build on its earlier efforts to fully and effectively implement the Americans With Disabilities Act (ADA) in the State courts, and assure that the services provided by the courts are accessible to all people, including those with disabilities. A systemwide ADA Coordinator is available to assist with accessibility issues affecting employees and users of the courts and also serves as a resource for Administrative Judges, who are the local ADA Coordinators in their respective courts or districts.

An important component of these efforts is educating court personnel about the ADA and the accommodations available to provide access to the courts for individuals with disabilities. During 1997, educational materials describing the various accommodations available to users of the courts were distributed to court personnel, along with a videotape produced by the American Judicature Society which highlights barriers to effective communication in a courtroom setting. Training also was conducted at seminars for Supreme, County, Surrogate's, City, and District Court Clerks; Law Librarians; and Commissioners of Jurors.

To further ADA implementation efforts in New York City, a Committee for Access to the Courts for People with Disabilities was formed in 1997, with representatives from all courts within the City. Among the Committee's principal goals are resolving issues concerning individuals with disabilities who may be called to jury service and providing enhanced education and training for the Commissioners of Jurors and court staff.

Access to the Courts for Individuals with Disabilities

Chapter 4

Legislation and Rules Revision

Legislation

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations, and other groups, public and private, with respect to changes in court-related statutory law.

Counsel's Office staffs the Chief Administrative Judge's advisory committees on civil practice, criminal law and procedure, family law, estates and trusts, and a new committee on local courts, which was established in 1997. These committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrative Judge. When approved by the Chief Administrative Judge, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals submitted for review during the legislative session. Recommendations are submitted to the Chief Administrative Judge, who, through his Counsel, communicates with the Legislature and the Executive Branch on such matters in the form of legislative memoranda and letters to Governor's Counsel.

Counsel's Office also is responsible for drafting legislative measures to implement recommendations made by the Chief Judge in her State of the Judiciary message, as well as measures required by the Unified Court System, including budget requests, adjustments in judicial

compensation, and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive on such matters.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, the professional staff of legislative committees, and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the Executive and Legislative Branches.

During the 1997 legislative session, Counsel's Office, with the assistance of the Chief Administrative Judge's advisory committees, prepared and submitted 116 new measures for legislative consideration. Of these measures, 19 ultimately were enacted into law. Also during the 1997 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 32 measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on five measures.

In December of every year, each of the Advisory Committees submits a report to the Chief Administrative Judge, setting forth its legislative proposals for the coming year. Copies of the 1997 reports may be obtained from Counsel's Office at 25 Beaver Street, New York, New York, 10004. Set forth below is a synopsis of the work of the Committees during 1997 that was incorporated into the Judiciary's legislative program. It is followed by a recitation of the laws

relating to the court system enacted in 1997; the court-related measures introduced as part of the Judiciary's legislative program but not enacted into law; and a listing of the amendments to the Rules of the Chief Judge and the Chief Administrative Judge (22NYCRR) adopted in 1997.

The Work of the Advisory Committees

Surrogate's Court Advisory Committee

The Committee annually recommends to the Chief Administrator proposals related to the Estates, Powers and Trusts Law (EPTL), Surrogate's Court Procedure Act (SCPA), and other legal issues involving practice and procedure affecting the Surrogate's Courts. As part of its work in 1997, the Committee reviewed proposed new forms for use in ancillary proceedings under the Surrogate's Court Procedure Act. It also completed a major revision of the uniform rules which were approved for use by the Chief Administrative Judge.

During the 1997 legislative session, three of the Committee's proposals were enacted into law:

- Section 1403 of the SCPA (Persons to be served) was amended to provide that process in a probate proceeding must issue to any person who would be adversely affected by an instrument offered for probate that specifically refers to and purports to exercise a power of appointment (L.1997, c. 64).

- A new section 1411 of the SCPA (Citation upon filing of objections) was added to streamline procedures related to the giving of notice of a will contest to the beneficiaries under the will (L. 1997,c. 87).

- Section 2111 of the SCPA (Ex parte applications for advance payment of fees of an attorney, fiduciary or guardian *ad litem*) was amended to provide that, upon application by a guardian *ad litem* for advance payment of compensation on account of services rendered to an estate or person under disability, notice of such application must be given to any attorney or person who has appeared in the proceeding (L.1997, c.100).

In its December, 1997 report, the Committee recommended the following new measures for consideration by the Legislature:

(A) Disposition of Bank Accounts in Trust Form

A new section 7-5.7 of the EPTL (Application) should be enacted to address the problem of how to distribute the proceeds of a bank account in trust form ("Totten trust") upon the depositor's death, where the depositor established the account for two or more beneficiaries and not all survive the depositor. Under this change in the law, unless otherwise provided for by the depositor, the beneficiary or beneficiaries who survive would share one hundred percent of the trust account proceeds.

(B) The Effect of an Adoption by an Unrelated Person on Inheritance Rights

Sections 117 of the Domestic Relations Law (Effect of adoption) and 2-1.3(a)(1) of the EPTL (Adopted children and posthumous children as members of a class) should be amended to preserve the rights of a child to inherit from his or her natural parents after the child is adopted by an unrelated adult (on consent of the custodial parent) who resides with the custodial parent.

(C) Payment of Certain Debts without Administration

Section 1310 of the SCPA (Payment of certain debts without administration) should be amended to facilitate the payment of limited assets (up to \$30,000) to the family of a decedent without administration. It would make any moneys, securities or other personal property deposited with broker-dealers, management-type investment companies or trusts, nursing homes, residential health care facilities and outpatient lodges available to the family without administration, for funeral expenses or living expenses during the period following a death.

(D) Filing of Bonds by Fiduciaries and the Administration of Small Estates

This proposal would amend section 801 of the SCPA (Amount; condition; number of sureties; obligees) by raising the amount for which a bond is not required to be filed by the fiduciary of a small estate from \$10,000 to \$20,000. It also would make a series of technical amendments to other SCPA provisions governing administration of small estates.

The Work of the Advisory Committees

Advisory Committee on Criminal Law and Procedure

The Committee annually recommends to the Chief Administrative Judge legislative proposals in the area of criminal law and procedure. The Committee's work centers on the Criminal Procedure Law ("CPL") and the Penal Law. During 1997 (and to be continued in 1998), the Committee was particularly focused on draft legislation to substantially revise Article 265 of the Penal Law ("Firearms and Other Dangerous Weapons"). It also was carefully reviewing numerous ideas and suggestions that were referred by judges and nonjudicial personnel throughout the State to streamline and improve the fairness of criminal court operations and procedures.

During the 1997 legislative session, the Committee saw the adoption of the following measure that it had proposed:

- Section 270.15 (3) of the CPL (Trial jury; examination of prospective jurors; challenges generally) was amended to authorize a trial court, in its discretion, to permit a sworn juror to leave the courtroom during the remainder of jury selection. Prior to this amendment, the trial court could permit a sworn juror to wait in the jury room during this time, but only with the consent of both parties. The amendment eliminates the requirement that the parties consent and further allows the court, in its discretion, to permit a sworn juror to leave the courthouse entirely during the remainder of jury selection (L.1997, c. 634).

Among the more significant measures proposed in its December, 1997 report, the Committee recommended enactment of the following:

(A) Discovery

Article 240(Discovery) and other sections of the Criminal Procedure Law should be amended to effect broad reform of discovery in criminal proceedings. The major features of this measure call for (1) the elimination of the need for a formal discovery demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which disclosure must be made; (3) modification of the defendant's obligations with respect to notice of a psychiatric defense; (4) amendment of CPL §470.05(1) to provide that, upon a direct appeal of a conviction,

an appellate court may reverse or modify the conviction based upon the prosecutor's failure to disclose *Rosario* material (prior written or recorded witness statements) only if the defendant demonstrates a reasonable possibility that such failure affected the outcome of the case; and (5) amendment of section 710.30 of the CPL to provide that the court, upon finding that there is no prejudice to the defendant, may permit in the interest of justice, late notice—up until the time of trial—of the prosecution's intent to use identification testimony and statements made by the defendant.

(B) Speedy Trial

In order to increase the effectiveness of the Speedy Trial Rule, and decrease the often inordinate time from indictment to verdict, CPL §30.20 (Speedy Trial) should be amended to authorize the Chief Administrator of the Courts to promulgate rules promoting speedy trials so as to accord criminal courts greater authority to fix and enforce expeditious schedules for hearings and trials. In addition, CPL §30.30 (Speedy Trial; time limitations) should be amended to limit the making of speedy trial motions on the eve of trial; require defendants to specify in their speedy trial motion the time periods chargeable to the prosecution; require courts to rule at each court appearance whether adjournments are chargeable to the prosecution; and authorize a court to inquire into a prosecutor's statement of readiness and to nullify the statement when it appears that the prosecutor is not ready for trial.

(C) The reduction of the number of peremptory challenges.

CPL §270.25 (Trial jury; peremptory challenge of an individual juror) should be amended to reduce the number of peremptory challenges (which presently provides for among the highest number of peremptory challenges in the nation) as a means of improving the efficiency of the jury selection system and to significantly reduce delays in the conduct of criminal jury trials. The court would retain authority to increase the number of allotted peremptory challenges in extraordinary circumstances.

(D) Interim Probation Supervision

Amend CPL §390.30 (Scope of pre-sentence investigation and report) to allow the court (after consultation with the prosecutor and the

consent of the defendant), in those cases in which the defendant is eligible for a sentence of probation, to adjourn the sentencing for up to one year to a specified date and order that the defendant be placed on interim probation supervision. This interim probation supervision would enlarge the time for the presentence investigation and enable a sentencing court to make a more informed decision concerning whether a defendant is a suitable candidate for a sentence of probation.

(E) Motion to Dismiss Indictment for Failure to Afford Defendant the Right to Testify before the Grand Jury

CPL §210.20 (Motion to dismiss or reduce indictment) provides for the dismissal of an indictment for failure to notify a defendant who has been arraigned in a local criminal court upon a felony complaint that a grand jury proceeding is pending and to afford the defendant a reasonable time to exercise the right to testify before the grand jury. This would amend the law to condition the dismissal upon the defendant actually testifying before the grand jury to which the charges are to be resubmitted.

Advisory Committee on Civil Practice

The Committee recommends to the Chief Administrative Judge proposals concerning the Civil Practice Law and Rules ("CPLR"). During 1997, the Committee started focusing on the use of technology and evaluating its efficacy to facilitate the litigation process. This will continue throughout 1998.

During the 1997 legislative session, two of the Committee's proposals were enacted into law. They were:

- An amendment to CPLR 1209 (Arbitration of controversy involving infant, judicially declared incompetent or conservatee) to eliminate the need to seek a court order when submitting an infant's personal injury claim to arbitration when the claim is brought under the Insurance Law relating to uninsured motorist or supplementary under-insured motorist claims (L.1997,c.365).

- An amendment to CPLR 306-b (Proof of service) to (a) require service of the summons and complaint within 120 days of filing with the court;

and, (b) in conformity with federal practice, expressly authorizing courts to extend this 120-day service for good cause shown or in the interest of justice (L.1997,c. 476).

The following were among the Committee's more significant legislative measures proposed in 1997:

(A) Broadened Discovery

This measure would amend the CPLR to simplify the discovery rules for the production of non-party business records and their introduction into evidence. These changes would eliminate the present requirement that, in the absence of a non-party deposition, a party must obtain a court order before being permitted to seek discovery and inspection of non-party documents or things. In addition, the amendment would eliminate the need for a non-party to appear with business records, instead allowing the production of the documents at the non-party's place of business, or the delivery of certified copies to the party. The amendment also would permit a non-party to make a written objection to a discovery demand, instead of the current requirement of making a motion to quash the request.

(B) Conduct of Depositions

This measure would amend Rules 3113 (Conduct of the examination) and 3115 (Objections to qualifications of person taking deposition) of the CPLR to impose sufficient safeguards against a variety of abusive practices that may be engaged in by parties attempting to obstruct the truth-finding process during depositions. The amendments would require: that every objection be stated succinctly and so as not to suggest an answer to the deponent, and that, upon request by the attorney conducting the deposition, an objection be accompanied by a clear explanation of the alleged defect. It also would require that a deponent answer every question except in certain limited circumstances; and preclude any interruption of the deposition for an attorney-deponent communication unless all parties consent, or where, after entering the reason on the record, the communication involves a claim of privilege, right of confidentiality, or a limitation in a court order.

(C) Settlements in Tort Actions

This measure would amend Section 15-108 of the General Obligations Law (release or

covenant not to sue) to help it achieve its original purpose — the encouragement of swift and equitable settlements in multi-party tort actions. The statute was designed to deal with the consequences when a plaintiff with a personal injury or wrongful death claim releases from liability one or more, but not all, alleged tortfeasors. Section 15-108 sets forth the rule governing the maximum liability of each of the remaining defendants. Under the current statute, their liability is reduced by the greater of the amount of the settlement or the amount of the settling defendant's equitable share of the damages, as determined by the jury.

The statute often has operated to reward the non-settlor at the expense of the settlor. In order to encourage, rather than discourage, settlements in personal injury and wrongful death litigation, this amendment would change the rule to require each non-settlor to elect the manner of treatment prior to trial. The options available would be the same as now exist: *viz.*, to have liability reduced by the amount of the settlement, or the amount of the settling defendant's equitable share of the damages as determined by the jury, but because the nonsettlor must make a choice before there is a verdict, upon the basis of which personal liability consequences can be gauged, there will be a stronger element of uncertainty about the outcome. It is this uncertainty — when balanced against the certainty and security offered by settlement — that should provide a true incentive for the parties to make genuine efforts to settle the litigation.

(D) Neglect to Proceed

This measure would amend CPLR 3216 (Want of prosecution) which applies to cases prior to the filing of the note of issue and CPLR 3404 (Dismissal of abandoned cases) which applies to cases following the filing of the note of issue, to permit civil courts to dismiss inactive or abandoned cases on their calendars, thereby enhancing effective case management. The proposed changes to the rules would make available to the civil courts a greater number of options, including striking the offending parties' pleadings and dismissing the action.

Filing by Electronic Means

In addition to these legislative proposals, the Committee addressed the need to expedite litigation and reduce administrative costs to

parties filing papers in civil proceedings through greater use of available technology. To that end, it proposed that pilot programs be conducted at a select number of locations throughout the State to permit the commencement of a lawsuit by the filing of facsimiles of the legal papers with the County Clerk, or by other means of electronic transmission, such as e-mail.

Family Court Advisory and Rules Committee

The Committee recommends to the Chief Administrative Judge proposals in the areas of Family Court procedure and family law. This work encompasses a number of different statutes, including the Family Court Act ("FCA"), the Social Services Law, and the Domestic Relations Law ("DRL"). During 1997, the Committee addressed implementation issues arising from the increasing level of federal regulation and involvement in the family law area. Congress continues to pass legislation containing mandates for state courts that have had, and are continuing to have, a profound impact on the Family Court. The resultant impact on the work of the Committee will continue into 1998 and beyond.

During the 1997 legislative session, six of the Committee's proposals were enacted into law:

- FCA §1113 (Time of appeal) was amended to provide that a notice of appeal must be filed within 30 days of receipt by the appellant of the challenged order in court, within 30 days of service of the order by a party or law guardian upon an appellant, or 35 days from the mailing of the order by the Family Court, whichever is earliest. Further, it requires notice of the time-frames to be included on all orders and incorporates the language regarding "service by a party" contained in Rule 5513 of the CPLR.

(Time to take appeal) (L.1997,c.461).

- Section 113(3) of the DRL was amended to permit expedited adoptions initiated following surrenders executed pursuant to Social Services Law §383-c(10) to take place in the county in which the surrender had been approved. It also makes certain technical changes to the DRL concerning the residency requirement in agency adoptions and deletes an anachronistic provision regarding instruments consenting to adoption in

order to avoid confusion with, and circumvention of, the strict statutory requirements for surrender instruments, including the notice requirements for judicial and extra-judicial surrenders.

- The Family Court Act and the Criminal Procedure Law were modified to authorize local criminal courts, when the Supreme and Family Courts are closed, to arraign Family and Supreme Court parties arrested at night or on weekends and to issue or modify Family Court orders of protection on the basis of simple, generic affidavits in lieu of Family Court pleadings. The temporary orders issued would remain in effect for up to four days, at which time further relief could be sought in Family Court. Transmission of the orders and affidavits to Family Court may be made initially by facsimile, followed by immediately sending the originals (L.1997, c.186).

- Legislation was enacted to make clear that the appointment of a law guardian in a child protective proceeding continues through the extension of placement and post-termination review stages, unless the Family Court appoints another law guardian. Where the court has appointed a law guardian in a foster care placement or review proceeding, that appointment continues unless the Court has appointed another law guardian. The law guardian may move to be relieved and, if granted, another law guardian must be appointed by the court. Notification of review proceedings conducted pursuant to FCA §1055-a (Status of children freed for adoption) and Social Services Law §392 (Foster care status) must be furnished to the law guardian who represented the child in the original child protective, foster care placement, or termination of parental rights proceeding, unless appointment of another law guardian had been made, in which case notification would be required to be given to that law guardian (L.1997, c.353).

- As required by federal welfare legislation, the Legislature enacted the "Uniform Interstate Family Support Act," to replace the Uniform Support of Dependents Law ("UIFSA"). Instead of having the problem of multiple orders issued in different states, all running simultaneously, there now are clear indicia for identifying the court with "exclusive continuing jurisdiction," thereby limiting the ability of other courts to issue new, conflicting orders or to modify existing orders. The UIFSA also provides new flexibility for the Family Court in

fulfilling its responsibility for obtaining evidence and testimony from other jurisdictions by permitting utilization of electronic means, with appropriate protections to assure procedural fairness (L. 1997, c. 398).

- The comprehensive child support and paternity legislation enacted in order to implement federal welfare legislation incorporated a number of the Committee's proposals concerning the resolution of challenges to proposed adjusted orders of child support regarding orders issued prior to September 15, 1989, including imposition of the burden of going forward and the burden of proof upon the objecting party; requiring Support Collection Units to provide complete information regarding the children covered by the orders, authorizing hearing examiners either to issue newly calculated orders or to remand matters to Support Collection Units when sustaining challenges and clarifying the effective date of the adjusted orders so issued (L. 1997, c. 398).

Among the more significant measures proposed in its December, 1997 report, the Committee recommended enactment of the following:

(A) Interstate enforcement of orders of protection

In order to assure implementation of the "full faith and credit" mandate of the federal "Violence against Women Act," this measure would clarify the enforceability in New York State criminal and civil proceedings of orders of protection issued by courts in other state, territorial and tribal jurisdictions. The bill incorporates the federal "full faith and credit" criteria into the Domestic Relations Law, and Family Court Act; amends the mandatory arrest, menacing and criminal contempt provisions to include cases involving out-of-state orders, as well as authorizes entry without fees of out-of-state orders of protection onto the statewide automated registry of orders of protection and related warrants.

(B) Criminal Records Screening

Two measures would amend existing law to increase the information required to be submitted before a child may be adopted, placed in foster care, be subject to a direct placement, or have a guardian appointed. Their purpose is to ensure the safety and appropriateness of the

placement of the children involved. The first would permit the Family Court to inquire about the criminal history of proposed custodians and applicants for visitation and require prospective adoptive parents and guardians to provide their criminal histories to the Family and Surrogate's Court. It also would require the production of child abuse registry histories of all individuals over the age of 16 residing in the home. The second would require criminal records and child abuse screening of prospective foster parents and individuals accepting direct placements of children into their homes within 30 days of the placement.

(C) Termination of Parental Rights on Grounds of Severe and Repeated Child Abuse

Although the federal "Adoption and Safe Families Act of 1997" requires filing of termination of parental petitions in cases involving severe and repeated child abuse, at present, a major constitutional obstacle exists to utilization of these provisions under New York's Social Services Law. Because parental rights termination must be based upon clear and convincing proof, it has not been possible to utilize child abuse adjudications, which are based upon the lower preponderance of the evidence standard, as predicates for termination on severe or repeated child abuse grounds. This measure would authorize Family Court, in child abuse and neglect proceedings, to make additional findings of severe or repeated abuse at the higher clear and convincing evidence standard that could be used later at a termination of parental rights hearing. The proposal also sets forth additional related changes in both the termination and child abuse statutes.

(D) Child Support

This measure would amend the Family Court Act and the CPLR to authorize hearing examiners, in addition to judges, to determine motions to quash child support subpoenas issued by local Support Collection Units; to conduct judicial reviews of administrative fair hearings regarding driver's license suspensions; to issue subpoenas *duces tecum* and warrants; and to arraign individuals arrested on warrants issued in connection with child support or paternity proceedings. In addition, it would provide employers and income payers with notice and an opportunity to be heard prior to imposition of sanctions for noncompliance with income deduction orders; and provide that sanctions

against employers and income payers for discriminating against individuals subject to income deduction orders would be imposed in the context of civil damages actions brought by aggrieved individuals, and not as part of a child support or paternity proceeding. The measure also would clarify the law with respect to challenges to cost of living adjustments applicable to orders issued after September, 1989; and make a variety of changes to the review and adjustment process as to both pre- and post-1989 orders.

(E) Changes in Elisa's Law

Elisa's Law, which was adopted in 1996, gives investigatory agencies greater access to information maintained by the Statewide Central Register of Child Abuse and Maltreatment ("Register") and delineates circumstances under which information regarding child abuse fatalities can be disseminated to the public. Under the law as written, access to unfounded reports (reports where abuse or maltreatment was not supported by credible evidence upon investigation) is available to certain investigative agencies during the investigation of a subsequent report involving the same child. This measure would allow such access also where a subsequent investigation involved the same alleged perpetrator as the earlier report. In addition, it would allow the release of sealed reports to all members of multi-disciplinary investigative teams so long as confidentiality provisions are observed, and allow the admission in court or at an administrative proceeding of a sealed unfounded report in the Register upon a finding that due process requires same or where the report's subject consents. Finally, the measure would prohibit expunging unfounded reports until ten years following the 18th birthday of the youngest child named in any report in the Register involving the same perpetrator, not simply ten years following the 18th birthday of the child who is the subject of the particular report.

Local Courts Advisory Committee

The Local Courts Advisory Committee was established in 1997 to propose and review legislation and procedures affecting the city courts, district courts, New York City Civil Court, New York City Criminal Court, and town and

village courts. It will issue its first set of legislative proposals in 1998.

Measures Enacted into Law in 1997

Measures Enacted into Law in 1997

Chapter 64 (Assembly bill 6487). Amends section 1403 of the Surrogate's Court Procedure Act to provide that process in a probate proceeding must issue to any person who would be adversely affected by an instrument offered for probate that specifically refers to and purports to exercise a power of appointment. Eff. 5/20/97.

Chapter 87 (Assembly bill 6488). Amends section 1411 of the Surrogate's Court Procedure Act to streamline procedures for the provision of notice of a will contest to beneficiaries under the will. Eff. 1/1/98 (and applicable only to new probate proceedings commenced on or after such date).

Chapter 100 (Senate bill 3791-A). Amends section 2111 of the Surrogate's Court Procedure Act to provide that, upon application by a guardian *ad litem* for advance payment of compensation on account of services rendered an estate or person under disability, notice of such application must be given to all attorneys who have appeared for parties to the proceeding. Eff. 6/11/97.

Chapter 186 (Assembly bill 7029). Amends provisions of the Criminal Procedure Law, the Domestic Relations Law and the Family Court Act to clarify the powers and responsibilities of local criminal courts as back-ups to Family Court when the latter is not in session; and, among its provisions, it: (1) creates simple mechanisms for a local criminal court to issue a Family Court temporary order of protection in the absence of a Family Court family offense petition and to modify a Family Court order of protection or temporary order of protection when Family Court is not in session; (2) permits admission of a record of a Family Court warrant or protective order in the Statewide computerized registry as evidence of a Family Court filing where an adult is arrested under the Family Court Act and brought before a local criminal court judge for arraignment; and (3) authorizes law enforcement officials to bring a person arrested for violation of an order of protection issued by Supreme Court in a matrimonial proceeding (or upon a warrant issued

in connection with that violation) to a local criminal court under circumstances where Supreme Court is not in session. Eff. 7/8/97.

Chapter 242 (Senate bill 3608-A). Amends section 524 of the Judiciary Law: (1) to extend to persons who have served as jurors in Town or Village Justice Courts the same disqualification period from further jury service as heretofore has been enjoyed by persons who have served as jurors in other courts; and (2) to permit persons who have served as jurors and who are subject to this disqualification period to request that it be reduced so as to enable them to be called to jury service more frequently. Eff. 8/1/98 (and applicable to jury service whether performed before, on, or after such effective date).

Chapter 353 (Senate bill 3423). Amends provisions of the Family Court Act and the Social Services Law, in relation to notification of parties and law guardians in child protective and foster care review proceedings, to: (1) clarify that appointment of a law guardian pursuant to section 1016 of the Family Court Act continues through the extension of placement and post-termination review stages, unless the court appoints a successor guardian; (2) clarify that once the court appoints a law guardian in a foster care placement or review proceeding pursuant to section 358-a or 392 of the Social Services Law, that appointment continues until a successor appointment is made; and (3) require that notification of review proceedings pursuant to section 1055-a of the Family Court Act and section 392 of the Social Services Law must be furnished to the law guardian who represented the child in the original termination proceeding unless a successor law guardian has been appointed. Eff. 11/3/97.

Chapter 365 (Senate bill 4531). Amends section 1209 of the Civil Practice Law and Rules to eliminate the need to seek a court order when submitting an infant's personal injury claim to arbitration, under circumstances where the claim is brought pursuant to paragraph (1) or (2) of section 3420(f) of the Insurance Law (*viz.*, uninsured motorist and supplementary underinsured motorist claims). Eff. 8/5/97.

Chapter 375 (Senate bill 5164). Amends sections 111(2)(e), 113(3) and 116(1) of the Domestic Relations Law to conform their

provisions to recent changes in the State's adoption laws. Eff. 8/5/97.

Chapter 398 (Senate bill 5771). Amends numerous Consolidated Laws relating to establishment of paternity and the establishment, enforcement, and collection of child support orders; and, among its provisions, includes: (1) substitution of biennial cost of living adjustment for the current review and adjustment process for child support orders and utilization of current process for one-time only review and adjustment or orders issued prior to 1989; (2) establishment of additional procedural tools by which to expedite establishment of paternity, including automatic administrative ordering of genetic tests; (3) reduction of the period for rescission of paternity acknowledgments to 60 days and establishment of procedures for such rescission; (4) a procedure to suspend and withhold professional, business, driver's, and recreational licenses when a person fails to comply with a summons, subpoena, or warrant relating to a child support or paternity proceeding; (5) enactment of the Uniform Interstate Family Support Act and repeal of the Uniform Support of Dependents Law; (6) automatic administrative imposition of real and personal property liens and direct income withholding; (7) requirements for courts to gather information and issue Qualified Medical Support Orders; and (8) establishment of an automated State case registry of child support orders, which, along with the directory of new hires, will be linked to Federal registries currently in development. Eff. 1/1/98 (but see statutory text for special effective dates applicable to certain provisions).

Chapter 435 (Senate bill 5784). Amends numerous Consolidated and Unconsolidated Laws in relation to State programs and practices; and, among its provisions, includes: (1) extension, until June 30, 1999, of the effectiveness of section 290-a of the Judiciary Law, which authorizes the Chief Administrative Judge to direct use of mechanical recording in lieu of court reporting to record testimony and other proceedings in Surrogate's Court, the Court of Claims, Family Court, the New York City Civil Court, and in civil parts of the District Courts and City Courts outside New York City; (2) extension, until June 30, 1999, of the 1995 amendment to section 310.10 of the Criminal Procedure Law authorizing a criminal court, without the parties' consent, to permit separation

of a deliberating jury overnight or on weekends in cases not involving a Class A felony or a Class B or C violent felony; and (3) statutory implementation of the 1996-99 collective bargaining agreements between the Unified Court System and public employee unions representing court employees in the New York State Supreme Court Officers Unit, the New York State Court Officers Unit, the Nassau County Unit, and the Suffolk County Unit. Eff. 8/20/97 (but see statutory text for special effective dates applicable to certain provisions, including 3/31/97 [mechanical recording and sequestration] and 4/1/96 [collective bargaining provisions]).

Chapter 461 (Senate bill 2918-B). Amends section 1113 of the Family Court Act to provide that a notice of appeal from a Family Court order must be filed within 30 days of appellant's receipt of the order in court or service of the order upon the appellant by a party or law guardian, or within 35 days of the mailing of the order to the appellant by the court clerk. Eff. 1/1/98 (and applicable to all orders issued on or after that date).

Chapter 474 (Senate bill 4118-A). Amends section 5501(c) of the Civil Practice Law and Rules to provide that a notice of appeal from an order directing summary judgment or judgment on a motion addressed to the pleadings shall be deemed to specify a judgment upon such order entered after service of the notice of appeal and before entry of the order of the appellate court upon such appeal. Eff. 11/24/97.

Chapter 476 (Senate 4553-A). Amends section 306-b of the Civil Practice Law and Rules to: (1) require service of the summons and complaint, summons with notice and third-party summons and complaint within 120 days of filing with the court; and (2) in conformity with Federal practice, expressly authorize a court to extend this 120-day service mandate for good cause shown or in the interest of justice. Eff. 1/1/98 (and applicable to all actions commenced on or after that date).

Chapter 517 (Senate bill 3611). Amends section 730(8) of the Real Property Tax Law to provide that, in a small claims tax assessment review proceeding, service of the petition by the homeowner-petitioner upon the clerk or other appropriate official representing the respondent

assessing unit shall be by personal delivery or by certified mail, return receipt requested. Eff. 1/1/98.

Chapter 634 (Senate bill 3769). Amends section 270.15 of the Criminal Procedure Law to authorize a trial court, in its discretion, to permit a sworn juror to leave the courtroom (and even the courthouse) during the remainder of jury selection. Eff. 9/24/97.

PROPOSED CONSTITUTIONAL AMENDMENT (Senate bill 3001). Amends sections 15(b) and 16(d) of Article VI of the State Constitution: (1) to authorize the Legislature to increase the maximum monetary jurisdiction of the New York City Civil Court from \$25,000 to \$50,000; and (2) to authorize the Legislature to increase the maximum monetary jurisdiction of the District Courts from \$15,000 to an amount not exceeding \$50,000. Eff. 1/1/98, provided the amendment is approved by the voters at the 11/97 General Election.

PROPOSED CONSTITUTIONAL AMENDMENT (Senate bill 2997-A). Amends section 26 of Article VI of the State Constitution to authorize the temporary assignment of full-time City Court Judges (outside New York City) to County Court and Family Court within the county of residence or any adjoining county. Eff. 1/1/00, provided the 1999 Legislature gives second passage to this amendment and the amendment then is approved by the voters at the 11/99 General Election.

Measures Introduced in the 1997 Legislative Session and Not Enacted Into Law

Assembly 6486. This measure would amend section 16(h) of Article VI of the Constitution to expand the term of office of judges of the District Court from 6 to 10 years.

Senate 3432/Assembly 7035. This measure would amend section 35(3) of the Judiciary Law and section 722-b of the County Law to increase the hourly rates and maximum amounts for counsel assigned to indigent persons; make rates the same for hours reasonably spent in court or out; and make rates the same for all types of crimes and for appeals.

Senate 4497/Assembly 7843. This measure would amend section 5519(a) of the Civil Practice Law and Rules to exclude judgments and orders in matrimonial actions that award maintenance or child support from provisions authorizing an automatic stay upon filing of appeal.

Senate 3475. This measure would amend sections 237 and 238 of the Domestic Relations Law to require the court in a matrimonial case (or proceeding to enforce a judgment therein) involving parties with greatly unequal financial resources to order the monied party to pay counsel fees for the non-monied party during the course of the case so as to enable that party to carry on or defend it.

Senate 5326. This measure would amend section 60.43 of the Criminal Procedure Law to provide that the same protections against the admissibility of evidence of a victim's sexual conduct in a non-sex offense criminal case apply also to a witness in such a case.

Senate 3771/Assembly 7841. This measure would amend section 270.15(1)(a) of the Criminal Procedure Law expressly to require trial courts to screen the entire juror array before prospective jurors are subject to individual *voir dire*.

Senate 5192-A. This measure would amend section 35 of the Judiciary Law and sections 722-b and 722-c of the County Law to provide that a claim for compensation determined by a trial court shall be subject to review by the appellate court with jurisdiction over the action in which the claim was made.

Senate 3453. This measure would amend section 90 of the Judiciary Law to provide that where an Appellate Division censures, suspends or removes an attorney from the practice of law, or accepts his or her resignation from office, the court shall order the attorney to pay the expenses of any disciplinary proceedings and certain of the attorney grievance committee's costs in prosecuting the charges therein. All payments would be deposited in the State Treasury to the credit of the Attorney Licensing Fund.

Assembly 6483. This measure would amend section 26 of Article VI of the State Constitution

Measures Introduced in the 1997 Legislative Session and Not Enacted Into Law

to allow judges of the Surrogate's Court outside the city of New York in counties of less than 300,000 people to be temporarily assigned to the Surrogate's Court in any such county.

Senate 4557/Assembly 7074. This measure would amend section 4110-b of the Civil Practice Law and Rules to authorize the trial judge to provide a deliberating jury with a copy of its instructions.

Senate 5170/Assembly 7075. This measure would amend the Civil Practice Law and Rules and the Criminal Procedure Law to clarify in statute that jurors, in both civil and criminal cases, shall have the opportunity to take notes during the evidentiary phase of trial court proceedings and provides specific procedures to be observed.

Assembly 7872. This measure would repeal subdivision 1-a of section 270.15 of the Criminal Procedure Law and add a new section 270.17, permitting a criminal court to issue an order precluding disclosure of jurors' and prospective jurors' names and addresses upon a showing by the People that such an order is necessary to prevent their physical injury or harassment or efforts at bribery or jury tampering.

Senate 4538/Assembly 7076. This measure would amend section 4110-b of the Civil Practice Law and Rules to add a statutory direction that a court, at the outset of a civil jury trial, must provide preliminary instructions to the jury concerning its duties, its conduct, the order of proceedings and the elementary legal principles that will govern procedures at the trial. This measure also would add a new section 4110-d to the Civil Practice Law and Rules, authorizing a trial court to direct counsel, during the jury trial of a civil case, but before the close of the evidence, to provide summations on one or more issues that have been raised.

Senate 4226. This measure would amend the Constitution to consolidate New York's nine major trial courts into two courts: (1) a Supreme Court, comprised of commercial, criminal, family, public claims, and probate divisions (plus, for the balance of the caseload, any other divisions the Chief Administrative Judge determines to establish); and (2) a District Court, with a single branch in New York City (this to be subdivided into civil, criminal and housing divisions) and multiple

branches outside the City. Affected would be the Court of Claims, the County Courts, the Family Courts and the Surrogate's Court — all of which would be abolished while their judges became Supreme Court Justices; and the New York City Civil and Criminal Courts and the upstate City Courts, which likewise would be abolished while their judges would join the existing corps of District Court Judges. Town and Village Courts and their Justices would be unaffected. This measure also would eliminate the long-standing constitutional limit whereby the number of Justices of the Supreme Court in any Judicial District may not exceed a ratio of one for every 50,000 people in that District, as well as the constitutional authority for assigning lower court judges temporarily to Supreme Court.

Assembly 7079. This measure would give peace officer status to local personnel designated to furnish security services for the courts, provided such personnel perform no other function or duty. It also would require that the peace officer training requirements and qualifications to which such personnel are subject shall first be approved by the Chief Administrator of the Courts.

Senate 5214/Assembly 8055. This measure would amend the Civil Practice Law and Rules, the Criminal Procedure Law, the General Municipal Law, the Judiciary Law, the Real Property Tax Law, the Retirement and Social Security Law and the Vehicle and Traffic Law to alter provisions applicable to judicial hearing officers to permit former judges to act as quasi-judicial officers of the court and serve on a limited basis.

Senate 5430. This measure would amend the Civil Practice Law and Rules to authorize use of Judicial Hearing Officers to hear and determine any issue in an action so long as no party's constitutional rights (e.g., right to jury trial) would thereby be compromised. Under current law, use of the reference to hear and determine is limited.

Senate 3454/Assembly 7041. This measure would amend section 110(g) of the New York City Civil Court Act to extend the terms of office of the members of the Advisory Council for the Housing Part by one year, to a term of four years. It also would provide for the staggering of the

expiration dates of the terms of the members of the Advisory Council.

Senate 5162-A. This measure would amend section 2-1.11(c) of the Estates, Powers and Trusts Law, which regulates the renunciation of property interests created under a will or trust for the benefit of infants, incompetents, conservatees and deceased persons. It also would amend section 5-1502G(3) of the General Obligations Law, which regulates the language and effect of the New York short form power of attorney with respect to an agent entering into “estate transactions,” to make that section consistent with the proposed amendment to EPTL 2-1.11(c).

Senate 4264. This measure would amend the Judiciary Law to provide that formal complaints and hearings of the State Commission on Judicial Conduct shall no longer be confidential and that transcripts of such hearings shall be available to the public.

Assembly 7039. This measure would repeal provisions of section 516 of the Family Court Act requiring court approval for an agreement between mother and putative father for support and education of an out-of-wedlock child.

Senate 3455. This measure would amend section 249 of the Family Court Act to mandate the assignment of a law guardian for the child in every foster care review proceeding brought pursuant to sections 358-a and 392 of the Social Services Law. It also would render section 249 gender neutral.

Senate 4490/Assembly 7839. This measure would amend section 1204 of the Civil Practice Law and Rules to provide compensation from state or county funds for guardians *ad litem* appointed for children and adults in civil proceedings.

Senate 3424/Assembly 6327. This measure would make provisions of the Family Court Act to add flexibility to existing dispositional alternatives available in PINS proceedings.

Senate 3440. This measure would amend section 221-a of the Executive Law to make the knowing or willful authorized disclosure of information stored in the statewide computer

system of orders of protection and warrants a Class A misdemeanor, and authorize the imposition of a civil penalty, not to exceed \$5,000 for any willful, knowing or grossly negligent disclosure.

Senate 5112/Assembly 7636. This measure would amend section 315.2 of the Family Court Act to provide that undue delay in the filing of a juvenile delinquency petition is a permissible ground for a motion to dismiss in furtherance of justice.

Senate 3757. This measure would amend section 235 of the Domestic Relations Law to allow access by prosecutors to confidential records in matrimonial actions for purposes of pending criminal investigations.

Senate 3618. This measure would amend sections 1012, 1046 and 1051 of the Family Court Act and section 384-b of the Social Services Law to authorize family court, at the fact-finding stage of a child abuse proceeding, to render additional findings of either severe or repeated child abuse, if there is “clear and convincing” evidence in support thereof; render a criminal conviction involving homicide or another violent felony offense admissible in termination of parental rights proceedings; and delete the anomalous requirement of competent evidence in dispositional hearings in termination of parental rights proceedings based upon severe or repeated child abuse.

Senate 3612. This measure would amend section 221-a of the Executive Law and sections 1029 and 1056 of the Family Court Act to provide for inclusion in the statewide registry of orders of protection and family offense warrants, orders and warrants issued in abuse and neglect proceedings.

Senate 3601/Assembly 7842. This measure would amend section 308 of the Civil Practice Law and Rules to add a new undesignated paragraph at its end to provide that if both acts of service pursuant to subdivision 2, or subdivision 4 when applicable, have been attempted and only one of them is validly effected, a showing by clear and convincing evidence that the defendant actually received process shall be sufficient to sustain the service.

Senate 2786-A/Assembly 7037. This measure would amend the General Obligations Law regarding settlement of tort actions involving multiple tortfeasors.

Senate 5169/Assembly 7838. This measure would amend sections 1603 and 3018 of the Civil Practice Law and Rules to require that a defendant relying on provisions limiting liability of persons jointly liable raise such issue as an affirmative defense.

Assembly 7875. This measure would amend section 4517 of the Civil Practice Law and Rules to permit use at trial of the prior trial testimony of: (1) a party, (2) any person who was a party when the testimony was given, or (3) any person who at the time the testimony was given was an officer, director, member, employee, or managing or authorized agent of a party. Such testimony could be used for any purpose by any party who is adversely interested when the prior testimony is offered in evidence.

Senate 3615/Assembly 7840. This measure would amend section 217(1) to make it clear when the period of limitations commences to run within which an aggrieved party must bring a proceeding to review a determination made by, or a refusal to act by a public agency, body, or officer.

Senate 3616-A/Assembly 7874. This measure would amend the Civil Practice Law and Rules to provide, in most cases, for the service of a subpoena *duces tecum* on the State or a municipal corporation at least five days in advance, unless a court orders otherwise.

Assembly 7032. This measure would amend section 6313(a) of the Civil Practice Law and Rules to regularize the giving of notification to other parties upon application for a temporary restraining order (TRO). Overall, its purpose is to curtail unwarranted *ex parte* orders for temporary injunctive relief by introducing a simple and expeditious method of notification, while also providing for TRO's without such notification when appropriate.

Senate 3614/Assembly 7853. This measure would amend section 2106 of the Civil Practice Law and Rules, which now permits certain professional persons to substitute an affirmation for an affidavit in judicial proceedings, to replace

the use of an affidavit for all purposes in a civil action by the use of an affirmation. It also would amend the Penal Law to add a new section 210.46 to create a class E felony for making a false statement contained in an affirmation.

Senate 3602. This measure would amend section 3214 of the Civil Practice Law and Rules to provide that service of a notice of motion for summary judgment shall stay only disclosures noticed after the date of service of such motion and that such disclosure shall be stayed for a period of 120 days from the date of service unless the court orders otherwise.

Senate 3599. This measure would amend section 5221 of the Civil Practice Law and Rules to provide that where a judgment sought to be enforced was entered in the Civil Court of the City of New York and the respondent resides in, is regularly employed, or has a place for the regular transaction of business in person within that city, a special proceeding authorized by Article 52 shall be commenced in the Civil Court in the county in which the respondent lives, works, or has a place for the regular transaction of business.

Senate 3613. This measure would amend section 5519(a) of the Civil Practice Law and Rules to provide that the automatic stay granted municipal corporations and municipalities when appealing from a judgment or order shall be limited to staying enforcement of the order or judgment that was the subject of appeal.

Senate 3617-A/Assembly 7870-A. This measure would amend the Civil Practice Law and Rules to clarify procedure law pertaining to motions for leave to reargue or renew a prior motion.

Senate 3607. This measure would amend section 4518 of the Civil Practice Law and Rules to permit introduction into evidence as a business record of data electronically used or stored as a business record in any tangible form that accurately represents the information. This measure is intended to address both facsimile storage of original hard copy business records, and also to address reconstruction of data used in the ordinary course of business that may never have been maintained as paper documents.

Senate 4532. This measure would amend section 3213 of the Civil Practice Law and Rules to permit wider use of the motion for summary judgment in lieu of complaint in five selected commercial causes of action which warrant expedited treatment, where the claim is based on a writing and is for a debt in an amount certain, or which can be made certain. It also would permit a motion for summary judgment in lieu of complaint when there has been a breach of a settlement agreement and the terms of the agreement state that a breach will be tantamount to an entry of judgment on behalf of the party injured by the breach.

Senate 3361/Assembly 7073. This measure would amend the Family Court Act, the Domestic Relations Law and the Social Services Law to allow a family court hearing examiner to conduct a review of a collection unit's determination with regard to suspension of a driver's license for non-payment of child support; provide that reviews shall be heard in the court that issued the underlying support order; and allow family court hearing examiners to issue warrants and make arraignments.

Senate 3442. This measure would amend sections 240 and 252 of the Domestic Relations Law to make provisions relating to issuance of temporary orders of protection in matrimonial proceedings for a party in need of immediate relief; issue orders requiring the surrender of firearms licenses; and direct payment of restitution in an amount not to exceed ten thousand dollars as a condition of an order of protection.

Senate 4830/Assembly 6253. This measure would amend section 422 of the Social Services Law to authorize the disclosure of sealed, unfounded reports of child abuse to subsequent investigators when the investigation involves the same perpetrator of abuse; also authorize disclosure of such reports to multi-disciplinary teams which are conducting a child abuse investigation; authorize admission of such reports in a judicial or administrative proceeding where necessary for due process or with consent of the subject of the report; and prohibit destruction of such reports until 10 years after the 18th birthday of the youngest child named in the report.

Assembly 6326. This measure would make the maximum age for female persons in need of

supervision 16 years of age, the same age limit which applies to males, and establish a judicial procedure for admissions in persons in need of supervision cases if respondent waives his or her right to a fact-finding hearing.

Assembly 6446. This measure would amend provisions of the Domestic Relations Law, the Family Court Act and the Social Services Law to clarify and add uniformity to statutes establishing the triennial review and adjustment of child support process.

Senate 5175. This measure would add a new section 657 to the Family Court Act and a new section 242 to the Domestic Relations Law setting forth the powers of the courts and procedures to be followed in the event of violations of custody and visitation orders and related orders of protection and temporary orders of protection.

Senate 5435/Assembly 8651. This measure would amend sections 315.3 and 360.2 of the Family Court Act to make provisions with respect to violations of adjournments in contemplation of dismissal and orders of conditional discharge in juvenile delinquency cases to clarify procedures applicable with respect to violations thereof.

Senate 5163/Assembly 7861. This measure would clarify that family offenses committed by persons younger than age 16 be treated as juvenile delinquency or PINS proceedings under Article 3 or 7 of the Family Court Act, rather than as family offenses under Article 8 of such Act.

Senate 3788. This measure would amend section 30.30 of the Criminal Procedure Law to provide criminal courts with greater authority to fix and enforce schedules for hearings and trials.

Senate 3786. This measure would amend section 30.30 of the Criminal Procedure Law to exclude certain serious crimes from the 90-day ready for trial requirement imposed on the prosecution and extend such time limit to 120 days for second violent felony offenders.

Senate 5165/Assembly 7846. This measure would amend section 210.20 of the Criminal Procedure Law to clarify that when there is an order reducing an indictment, the indictment may be amended on its face. It also would

provide that if the prosecution fails to exercise one of its options within 30 days of the court's order, the order would take effect and the prosecution would have an affirmative obligation to amend the indictment, file a reduced indictment, or dismiss the indictment.

Senate 3782/Assembly 7859. This measure would amend section 220.10 of the Criminal Procedure Law to permit a terminally ill defendant to plead guilty to any lesser included offense of the offense charged.

Senate 3787/Assembly 7849. This measure would add a new section 190.51 to the Criminal Procedure Law to address the problem arising when a defendant in custody requests an opportunity to testify before the grand jury but is not produced for such testimony and the CPL 180.80 time period is about to elapse.

Senate 3790. This measure would add a new section 60.27 to the Criminal Procedure Law to allow, in certain circumscribed situations, a third party to testify to a witness's pre-trial identification of the defendant when the witness is unwilling to identify the defendant in court because of fear.

Senate 5172/Assembly 7856. This measure would amend sections 460.50 and 460.60 of the Criminal Procedure Law to permit a judge who has received an application for leave to appeal to the Court of Appeals to issue an order staying execution of the judgment or sentence being appealed regardless of the nature of the sentence that was imposed.

Senate 5171/Assembly 7866. This measure would add a new section 180.85 to the Criminal Procedure Law to provide that, after arraiging a defendant upon a felony complaint, the local or superior court before which the action is pending, on motion of either party, may dismiss the felony complaint on the ground that defendant has been denied the right to a speedy trial, pursuant to section 30.30 of the CPL.

Senate 3781/Assembly 7867. This measure would add a new subdivision 6 to section 390.30 of the Criminal Procedure Law to authorize a court to adjourn a sentencing and place a defendant on interim supervision.

Senate 3780/Assembly 7078. This measure would amend section 200.70 of the Criminal Procedure Law to authorize a trial court, upon timely application by the People, to order the amendment of an indictment to add an offense that was omitted from the indictment because of a clerical error.

Senate 3792/Assembly 7845. This measure would amend sections 70.04 and 70.06 of the Penal Law to provide that the 10-year tolling period for predicate felony purposes may be tolled for an additional five years for any period of time the defendant was at-large by virtue of an escape and that, regardless of whether there has been an escape, the tolling period shall not exceed 10 years.

Senate 3767/Assembly 7847. This measure would amend section 450.20 of the Criminal Procedure Law to provide that the People may appeal as of right from an order prohibiting the introduction of certain evidence or the calling of certain witnesses that was entered before trial pursuant to section 240.70 of the Criminal Procedure Law. It also would amend section 450.50 of the Criminal Procedure Law to permit the People to take an appeal from a preclusion order, if the People file a statement asserting that they are unable to prosecute without the evidence precluded, and to provide that the taking of an appeal from a preclusion order constitutes a bar to prosecution unless or until such order is reversed or vacated.

Senate 3784/Assembly 7848. This measure would amend section 440.10(1) of the Criminal Procedure Law to provide a prosecutor with authority to move to vacate a judgment on the grounds specified in that section.

Senate 3789/Assembly 7857. This measure would add a new subdivision seven to section 530.70 of the Criminal Procedure Law to provide that a bench warrant issued by the New York City Criminal Court, in a case in which the defendant is held for the action of the grand jury or in which the Criminal Court is divested of jurisdiction by the filing of an indictment in the Supreme Court, shall remain effective in most cases until the Supreme Court issues its own bench warrant.

Senate 5173/Assembly 7860. This measure would amend paragraphs (c) and (d) of section

30.30(5) of the Criminal Procedure Law to provide that, when a criminal action is commenced by the filing of a felony complaint that is replaced by an indictment in which the highest offense charged is a misdemeanor, the period of time within which the prosecution must be ready for trial is the statutory period applicable to misdemeanor offenses, not the six-month period applicable to felony offenses.

Senate 3785/Assembly 7852. This measure would amend section 210.20(1)(c) of the Criminal Procedure Law to provide that an order dismissing an indictment for failure to notify defendant of his or her right to testify before the grand jury shall be conditioned upon defendant's testifying before the grand jury to which the charges are to be submitted or resubmitted.

Senate 3816/Assembly 7855. This measure would amend section 530.40(3) of the Criminal Procedure Law to allow a superior court to order bail or recognizance for a defendant who has been convicted of a class A-II felony if the defendant is providing, or has agreed to provide, material assistance pursuant to section 65.00(1)(b) of the Penal Law.

Senate 3798/Assembly 7850. This measure would add a new paragraph to section 210.40(1) of the Criminal Procedure Law to require that a court, in determining whether to grant a motion to dismiss an indictment in the interest of justice, consider whether there has been unreasonable delay due to repeated and unjustifiable failure by the prosecution to proceed with the action after both sides have answered ready and the court has fixed a date for a hearing or trial.

Senate 3854/Assembly 7863. This measure would amend provisions of the Criminal Procedure Law requiring that pre-trial motions be made in writing to permit oral pre-trial motions whenever the defendant and the prosecutor consent and the court agrees.

Senate 3853/Assembly 7858. This measure would add a new section 60.41 to the Criminal Procedure Law to provide a trial court with discretion, in certain circumstances, to permit the admission of evidence of a person's prior violent conduct.

Senate 3758/Assembly 7864. This measure would amend the speedy trial statute and other provisions of the Criminal Procedure Law to accord criminal courts greater authority to fix and enforce expeditious schedules for hearings and trials, and to minimize opportunities for delay by requiring earlier disclosure of *Rosario* material.

Assembly 7873. This measure would amend section 410.91 of the Criminal Procedure Law to eliminate the requirement that the prosecution consent before a court may sentence a defendant to parole supervision.

Senate 3772/Assembly 7862. This measure would amend section 300.50(2) of the Criminal Procedure Law to provide that a request to submit a lesser-included offense to the jury be made prior to summations.

Senate 3773/Assembly 7869. This measure would revise several provisions of the Criminal Procedure Law to establish a procedure for amending an indictment, prior to retrial, to charge lesser-included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon.

Senate 4066/Assembly 6447. This measure would add a new Article 740 to the Criminal Procedure Law to permit a superior court, upon defendant's application and with the consent of the prosecutor, to order that prosecution of certain felony cases be deferred for a period of up to two years. If, by the end of the deferral period, the case has not been restored to the calendar and resumed due to defendant's violation of a condition of the deferral, the case would be dismissed in furtherance of justice.

Senate 5226. This measure would amend section 60.43 of the Criminal Procedure Law to provide that the same protections against the admissibility of evidence of a victim's sexual conduct in a non-sex offense criminal case apply also to a witness in such a case.

Senate 3846/Assembly 7865. This measure would amend Article 240 and other sections of the Criminal Procedure Law to effect broad reform of discovery in criminal proceedings. The major features of this measure are: (1) elimination of the need for a formal discovery

demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which disclosure must be made; (3) modification of the defendant's obligations with respect to notice of a psychiatric defense; and (4) legislative superseder of the Court of Appeals' rulings in *People v. Ranghelle*, 69 N.Y.2d 56 (1986) and *People v. O'Doherty*, 70 N.Y.2d 479 (1987).

Senate 3783/Assembly 7868. This measure would amend section 270.25 of the Criminal Procedure Law to authorize a limited and experimental reduction in the numbers of peremptory challenges available in criminal cases. It would direct the Chief Administrative Judge, in consultation with the Presiding Justices of the Appellate Division, to select one county in each Judicial Department in which, for a 30-month period, the number of peremptory challenges available to parties in criminal cases other than death penalty cases would be reduced.

Assembly 7884. This measure would amend Article 41 of the Civil Practice Law and Rules and Articles 270 and 340 of the Criminal Procedure Law to revise the current procedure for selecting trial jurors in civil and criminal cases, respectively, by postponing the differentiation of "trial" and "alternate" jurors until after the court's charge to the jury.

Assembly 7080. This measure would amend the Civil Practice Law and Rules to provide a procedure by which jurors in a civil trial could pose questions to a witness.

Assembly 8054. This measure would amend section 11-1.5 of the Estates, Powers and Trusts Law and amend section 2102 of the Surrogate's Court Procedure Act to provide that interest is payable on pecuniary dispositions not in trust at the six-month US treasury bill rate in effect at the time of a decedent's death, payable from seven months after the issuance of letters, unless the will provides otherwise, without the need for the legatee to bring a proceeding to compel payment thereof.

In addition to the foregoing, the Chief Administrative Judge sent to the Legislature 15 proposals that were not introduced, including: a measure to amend the Constitution, in relation to proposing amendments to Article VI of the Constitution, in relation to establishing for the

City of New York a court of city-wide jurisdiction over actions and proceedings in relation to housing; a measure to amend the Civil Practice Law and Rules, in relation to judicial hearing officers; a measure to amend the Civil Practice Law and Rules, in relation to offers to compromise and in relation to computation of interest in personal injury actions [prejudgment interest]; a measure to amend the Criminal Procedure Law, in relation to verdict sheets; a measure to amend the Domestic Relations Law, in relation to the rights of biological fathers; a measure to amend the Domestic Relations Law, the Family Court Act and the Surrogate's Court Procedure Act, in relation to reports and records in adoption, guardianship, custody and visitation cases; a measure to amend the Family Court Act, the Criminal Procedure Law and the Executive Law, in relation to pre-dispositional and pre-sentence investigations in family offense cases; a measure to amend the Family Court Act and the Criminal Procedure Law, in relation to violations of orders of protection; a measure to amend the Family Court Act and the Executive Law, in relation to dispositions in juvenile delinquency cases; a measure to amend the Judiciary Law in relation to audio-visual coverage of court proceedings; a measure to amend the Judiciary Law, in relation to appointment of commissioners of jurors; a measure to amend the Judiciary Law, in relation to nonjudicial officers and employees of the Unified Court System; a measure to amend the New York City Civil Court Act, in relation to housing judges [10 year terms]; a measure to amend the New York City Civil Court Act, in relation to the jurisdiction of the housing part [jurisdiction over commercial property]; and a measure to amend the Uniform District Court Act and the Uniform City Court Act, in relation to eliminating jurisdiction of district and city courts over violations of law relating to parking.

Rules of the Chief Judge

The following rules were amended by the Chief Judge during 1997:

Sections 24.4(m), 24.11(a) and 25.29(e) of the Rules of the Chief Judge (22 NYCRR), governing career service of unrepresented nonjudicial employees, was amended, effective April 29, 1997, to conform those rules to recent

changes in the collective bargaining agreement with the Civil Service Employees Association.

Section 25.40(d) of the Rules of the Chief Judge (22 NYCRR), governing practice of law by court employees, was amended, effective April 29, 1997, to tighten the requirement for the practice of law by part-time employees.

Part 33 of the Rules of the Chief Judge (22 NYCRR), governing temporary assignments of judges, was amended, effective April 29, 1997, to reflect a new procedure for the temporary assignment of judges to the Supreme Court.

Section 36.1(f) of the Rules of the Chief Judge (22 NYCRR), governing appointments by judges to certain fiduciary positions, was amended, effective June 26, 1997, to increase to \$550 the monetary threshold for filing requirements for persons appointed as referees.

Part 37 of the Rules of the Chief Judge (22 NYCRR), governing costs and sanctions, was amended, effective *nunc pro tunc* as of June 1, 1995, authorizing the Chief Administrator to adopt rules with respect to certain modifications of the requirements governing costs and sanctions.

Rules of the Chief Administrative Judge of the Courts

The following rules were amended by the Chief Administrative Judge of the Courts during 1997:

Section 104.2 of the Rules of the Chief Administrator (22 NYCRR), governing retention of court records, was amended, effective May 2, 1997, to conform the rule to certain statutory records retention requirements.

Part 108 of the Rules of the Chief Administrator (22 NYCRR), governing court reporter transcripts, was amended, effective February 1, 1998, to establish transcript page rate payment guidelines for court reporters and to require written agreements for preparation of transcripts for private parties.

Section 113.2(b) of the Rules of the Chief Administrator (22 NYCRR), governing disabled

judges, was amended, effective May 21, 1997, to reflect required consultation with the appropriate Presiding Justice.

Section 118.2(a)(2) of the Rules of the Chief Administrator (22 NYCRR), governing attorney registration, was amended, effective August 29, 1997, to reflect a change of address for the filing of attorney registration statements.

Part 121 of the Rules of the Chief Administrator (22 NYCRR), governing temporary assignment of judges, was amended, effective April 29, 1997, to reflect a new procedure for the temporary assignment of judges to the Supreme Court.

Part 122 of the Rules of the Chief Administrator (22 NYCRR), governing the procedure for selecting and assigning Judicial Hearing Officers, was amended, effective January 27, 1997, and January 1, 1998, to revise the process for designating Judicial Hearing Officers.

Part 130 of the Rules of the Chief Administrator (22 NYCRR), governing costs and sanctions, was amended, effective March 1, 1998, to require a certification by attorneys that papers filed in court are not frivolous and to make other modifications to the requirements governing costs and sanctions.

Section 135.1 of the Rules of the Chief Administrator (22 NYCRR), governing donations of sick leave to nonjudicial employees, was amended, effective April 29, 1997, to expand the scope of the sick leave donation program.

Section 202.16 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR), governing procedure in matrimonial actions, was amended, effective March 1, 1997, to make minor adjustments in the procedures for matrimonial actions, and was amended, effective March 1, 1998, to adopt for matrimonial actions the attorney certification requirement of Part 130.

Sections 202.21 and 202.50 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR), governing procedure in uncontested matrimonial actions, was amended, effective March 1, 1998, to establish filing requirements

Rules of the Chief Administrative Judge of the Courts

using the forms in the Uncontested Divorce Packet.

Section 205.4 of the Uniform Rules for the Family Courts (22 NYCRR), governing public access to Family Court proceedings, was amended, effective September 2, 1997, to reinforce the public nature of proceedings in Family Court and to clarify the process by which access may be obtained by the public to Family Court proceedings.

Section 206.20 of the Uniform Rules for the Court of Claims (22 NYCRR), governing sanctions, was amended, effective December 29, 1997, to reflect the application of the Part-130 sanctions rules to the Court of Claims.

Section 208.42(b) and (d) of the Uniform Rules for the New York City Civil Court

(22NYCRR), governing procedures for summary proceedings in the Housing Part, was amended, effective October 6, 1997, to add language to the notice of petition forms concerning rent deposits by tenants seeking adjournments of summary proceedings.

Section 208.42(i) of the Uniform Rules for the New York City Civil Court (22 NYCRR), setting forth the addresses of the Housing Parts of the Court, was amended, effective January 20, 1998, to reflect new addresses.

Sections 212.41(n) and 212.41-a(n) of the Uniform Civil Rules for the District Courts (22 NYCRR), governing proceedings in small claims and commercial small claims proceedings, were amended, effective April 8, 1997, to permit the transfer of such proceedings to Part-28 arbitration parts.

Appendix 1

Public Documents Listing

State of the Judiciary

Annual Report of the Chief Administrator of the Courts

Judiciary Budget