

§ Benchmarks

JOURNAL OF THE NEW YORK STATE UNIFIED COURT SYSTEM

JUDICIAL SALARY INCREASE SUBMITTED TO LEGISLATURE

THE JUDICIARY'S LEGISLATIVE PROPOSAL to adjust judicial compensation was submitted in March, in keeping with Chief Judge Kaye's promise in her State of the Judiciary address to seek a pay increase this year. There has been no increase in over six years.

The Judiciary's proposal seeks an immediate increase as well as a mechanism for regular future adjustments. Under the proposal, Supreme Court Justices would receive an increase effective April 1, 2005, restoring them to parity with federal District Court Judges (at \$162,100); other judges would receive increases of between 14 and 34 percent; and an annual procedure would ensure future increases maintaining parity between Supreme Court and federal District Court salaries, along with automatic adjustments for other state judges. The proposal addresses the issue of pay disparity—including disparity among judges of the same court—by reducing the extent of the disparity and creating a commission to review remaining disparities every two years.

The bill was introduced in both chambers of the Legislature, by the respective Chairs of the Judiciary Committees, Senator John A. DeFrancisco and Assemblywoman Helene E. Weinstein, and was reported out of both committees.

Legislators also received a report from Judge Kaye, Chief Administrative Judge Jonathan Lippman and the Presiding Justices of the four Judicial Departments on the history of past increases and pay disparities. State judges have received two pay increases in the past 18 years and were last in parity with federal judges in 1999. Federal judges have received six salary increases since that year. Since May, many judges have traveled to Albany to meet with legislators on this issue, advocating for fair and equitable compensation.

On June 3, Gov. George E. Pataki submitted his own proposal to raise judicial salaries. The governor's bill provides an 18.6 percent increase for trial judges, bringing Supreme Court salaries to \$162,100, and varying increases for appellate judges. ●

CHIEF JUDGE'S 12TH STATE OF THE JUDICIARY



IN ADDITION TO PROMISING TO SEEK A JUDICIAL PAY INCREASE in the State of the Judiciary address in February, the Chief Judge asked the Legislature to establish additional Family Court judgeships to deal with burgeoning caseloads and adopt a form of "no-fault" divorce that safeguards the interests of vulnerable litigants such as the poor and domestic violence victims.

Highlights of the address, which can be read in full on the court Web site, include:

Efforts to improve the lives of foster-care children (including a record-setting *Adoption Day*, the *Healthy Development Checklist* and *Adoption Now* and *Babies Can't Wait* initiatives); expansion of *Integrated Domestic Violence (IDV) Courts*, on track to meet the goal of serving litigants anywhere in the State by year-end, with 18 IDV courts already in operation; *Family Court E-Petition Pilot*, permitting filing a petition on a courthouse computer (story p. 5); *Drug Court* development of a *DWI protocol*; *Comprehensive Civil Justice Program Report*, showing dramatic reduction in civil caseloads and recommending new time frames to measure case-progress (story p. 4); new *Bronx Housing Help Program*, providing on-site referral services to enable families to pay their rent and avoid eviction. ●

COLLEEN BRESCIA

THE JUDICIAL INSTITUTE AT TWO YEARS: TRANSFORMING JUDICIAL EDUCATION

IN THE PAST TWO YEARS, jurists from not only New York but also Europe, Africa and Asia have traveled to White Plains, N.Y., to participate in programs and conferences at the New York State Judicial Institute.

The institute, which opened May 5, 2003, is the nation's first training and research facility for judges built by and for a state court system. Under the leadership of Dean Robert G.M. Keating, the institute has transformed judicial education in New York. Located on the campus of Pace University Law School about 30 miles north of New York City, it has already hosted over 250 programs for judges and court personnel, a combined total of 20,000 participants. Faculty come from educational institutions, think-tanks and research centers as well as from local courts and the bar.



New York State Judicial Institute

The institute has hosted specialized court training, such as for Integrated Domestic Violence Courts and Mental Health Courts, while the core programming—new judges' school, annual judicial seminars and legal updates for court attorneys—has expanded with increased course offerings. In-depth courses are offered throughout the year on emerging legal, technological, societal and administrative trends, such as "Scientific Analysis of Children's Testimony," "Bioethics and the Law," and "Same-Sex Marriage and Civil Unions."

The institute also serves as a forum where judges, lawyers and scholars from the state, the nation and the international community can convene for events as varied as a North American symposium on environmental law, whose co-sponsors included the United Nations Environment Programme, and a "Partners in Justice" colloquium, where the judiciary, law school clinical programs and the bar explored collateral consequences of criminal convictions and ways to improve indigent representation and access to the courts.

Spearheaded by Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman, the institute represents a collaborative effort of the judicial, legislative and executive branches. The vision of a permanent facility was realized through 1999 legislation authorizing the court system to enter into agreements with the State Dormitory Authority and Pace University for construction of the institute. The Dormitory Authority issued bonds to finance the \$15 million project. Affiliation with Pace University provides the institute with valuable resources in terms of research and expertise.

Recognizing that judges and court employees cannot always get away from the courthouse, the institute sponsors monthly "Lunch and Learn" video-conference programs for judges, held live at a different courthouse each time and simulcast to as many as 30 others. An interactive Web site will soon allow judges to access live streaming video of programs from chambers or court. A video archive of programs and educational materials is also under development.

"We couldn't be more pleased with what the Judicial Institute, under Dean Keating's leadership, has achieved in just two years," Judge Lippman said. "Having a year-round facility has improved the quantity and quality of our core programming, expanded the range of offerings to judges and court employees year-round and provided a first-class forum where worldwide representatives can discuss topics of common interest. The institute puts New York in the forefront of judicial education, helping us better serve the public." ●

HUNDREDS MAY BE RESENTENCED UNDER ROCKEFELLER DRUG LAW REFORM

BY MAY 31, 110 INMATES HAD BEEN RESENTENCED, 35 of whom were released, under legislation signed in December 2004 by Gov. George E. Pataki reforming the state's harsh mandatory sentences known as the "Rockefeller" drug laws. These laws were originally passed in the early 1970s during the Nelson A. Rockefeller administration.

Under the new law, indeterminate sentences for Class A-I drug offenders serving 15 to 25 years to life have been replaced with determinate sentences from eight to 20 years, and the threshold weight for drug possession has doubled from four to eight ounces for a Class A-I drug felony conviction, and from two to four ounces for a Class A-II drug felony conviction. The new law also has

replaced indeterminate sentences for lower-level drug offenses with determinate sentences, generally with lower mandatory minimums.

Of the approximately 14,000 offenders currently incarcerated for a felony drug conviction, 446 are Class A-I drug felons, serving life sentences with minimum terms of 15 years or more. Under the new law, these offenders can immediately apply for resentencing in the court in which they were convicted. Other incarcerated drug offenders (Class A-II and below) who have not finished their minimum sentences could be eligible for an additional merit-time reduction. In addition, most drug offenders facing charges now or in the future could be eligible for shorter sentences. ●

FROM CHIEF ADMINISTRATIVE JUDGE

JONATHAN LIPPMAN

WELCOME to the first issue of *Benchmarks*, the quarterly journal of the Unified Court System.

The New York State court system is one of the world's largest, busiest and most complex. It includes 11 different trial courts and more than 1,200 state-paid judges, 2,000 town and village justices and 15,000 non-judicial staff. In every corner of the State, judges, courtroom and back-office staff, as well as administrative employees, work daily—and sometimes nightly as well—to ensure that justice is dispensed fairly and effectively. Under the leadership of Chief Judge Judith Kaye, many initiatives have been introduced that apply innovative, comprehensive approaches to issues that were unheard of and unimaginable just several generations ago, in order to produce more durable resolutions. At the same time, new approaches and solutions have sprung up locally, changing the way the courts work in a particular community for the better—better for the public and better for the courts.

So many new and interesting things are going on in our courts, but the truth is that those who work in the system don't know enough about them or about each other—what we do and who we are, what's happening perhaps just in the next county or the next court, let alone many hundreds of miles away.

Beginning with this first issue of *Benchmarks* we hope to change that. The goal of our quarterly journal is to better connect our vast court family, to chronicle what's happening every day in communities large and small to advance the ideal and reality of justice. *Benchmarks* is also a way to connect us to other state courts, whose newsletters we've been reading for years, learning about the latest developments elsewhere in the country.

We hope that with each issue you will discover something new and come away with a better understanding and appreciation of the many individuals who contribute in so many different capacities to make the Unified Court System work.

To those of you who put in so many hours producing this first issue, thank you and congratulations on a job well done.



INNOVATIVE PRACTICES HELP JUROR COMPREHENSION

MOST JURORS view trials as very complex, while judges believe the same trials are fairly simple, reveals a report based on a study by the Jury Trial Project, a group of 51 New York trial judges who recently concluded an examination of ways to improve juror comprehension and participation.

This finding, early in the project's work, confirmed the need to provide jurors with more tools to become active participants in the trial process and to better understand their role.

The final study is based on data collected in 112 trials—68 civil and 44 criminal—conducted by 26 judges in 14 counties, each experimenting with innovative practices such as allowing jurors to take notes, submit written questions for witnesses and take written copies of the judge's final instructions into their deliberations. Although many of the practices are not necessarily new, many New York judges and attorneys have reservations about using them, believing that they are more likely to complicate or confuse the proceedings rather than aid juror-comprehension. However, judges and attorneys who took part in the study agreed afterwards that these practices improved the fairness of the trials.

Each of the project's five committees has made the following recommendations about the practices studied:

VOIR-DIRE OPENINGS – Data was collected on 22 trials where voir-dire openings were used. Nearly 90 percent of the judges and 75 percent of the lawyers thought jurors who heard these "mini-openings" had a better understanding of what the trial was about. This committee recommends that judges allow counsel, with the consent of the parties, to give short statements of their cases to the entire jury panel when jury selection begins.

SUBSTANTIVE PRELIMINARY INSTRUCTIONS – Judges in 35 trials gave jurors preliminary instructions that were more extensive than those typically provided. Research shows that when given more extensive preliminary instructions, jurors have a better understanding of their job. Nearly 90 percent of the judges and 80 percent of attorneys in these trials believed these instructions had a positive impact. Since there are conflicting Appellate Division decisions on such instructions in criminal trials, this committee recommends that legislation be pursued to permit judges, in their discretion and with consent of counsel, to provide jurors with such instructions.

WRITTEN CHARGES FOR DELIBERATING JURIES – In 39 trials, deliberating jurors were provided with a written copy of the judge's final charge. Court rules permit judges to implement this practice in civil trials, although counsel's consent is required in criminal trials. Most

judges believed this practice had a positive effect on the fairness of the trial, as did two-thirds of the attorneys. An overwhelming majority of jurors believed that having the written instructions was very helpful.

This committee recommends renewed efforts to obtain passage of legislation to permit judges, at their discretion, to provide a written copy of the charge to jurors in criminal cases.

NOTE-TAKING – Though long approved by the New York Court of Appeals, many judges and attorneys believe jurors' note-taking will distract attention from the evidence. In this experiment, note-taking was used in 91 civil and criminal trials. Both the data and anecdotal reports discount this concern. This committee strongly encourages judges to permit jurors to take notes in accordance with existing rules and to provide jurors with note-taking materials.

JUROR-QUESTIONS FOR WITNESSES – This was the most controversial practice in the study. Jurors in 74 trials were permitted to submit written questions, which were reviewed by the court and discussed with counsel. Judges and jurors were overwhelmingly positive about the experience. Many attorneys continued to have concerns about the practice, although most agreed that it had certain benefits (e.g., focusing jurors' attention and giving counsel insight into jurors' comprehension and need for information). Based on this experience and research elsewhere, and in light of First Department cases holding that juror-questions are a matter of trial court discretion, this committee concluded that judges should have discretion to allow jurors to engage in the practice and has drafted a proposed trial court rule to this effect. ●

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ABA AMERICAN JURY INITIATIVE

THE JURY TRIAL PROJECT coincided with the ongoing American Bar Association's (ABA) American Jury Initiative. That initiative included an effort to produce a single set of modern jury principles based on best practices from around the country. The principles were voted on by the ABA House of Delegates during the ABA Midyear Meeting in February. In addition, a 21-member Commission on the American Jury, co-chaired by New York Chief Judge Judith S. Kaye, is charged with outreach to the public, the legal profession and the courts and worked closely with courts and bar groups around the country to highlight the jury and juror appreciation as the focal point of this year's Law Day celebrations. ●

SECURITY CAMERA NETWORK MONITORS COURTHOUSES

SHENG GUO, Chief Technology Officer for the New York State Unified Court System, got the idea from reading an article in *The Wall Street Journal*.

"There was an article from Washington, D.C., about how the federal government and several multi-use buildings connected their surveillance cameras into a network format that was centrally monitored by D.C. police," said Guo. "I said to myself, they're doing this for the White House. Maybe we can do the same thing."

Many New York courthouses have security cameras, but, according to Guo, "many of the monitors are situated in the basement of the buildings and managed by building superintendents," rather than court security officers. "Other monitors in courthouses are not even hooked up."

An innovative computer program developed by the Office of Court Administration's Division of Technology is transforming these cameras into a truly effective security system. *The New York Times* has hailed New York's court security system as the most sophisticated in the country.

"They are the first that I have ever heard of use their network to be able to serve their security requirements," James McMillan, principal

court technology consultant at the National Center for State Courts, said in an interview with the *Times*. "Courts have long had video surveillance built into local court sites. But it's a really great idea to be able to distribute that work over a network."

The need for increased security, particularly in New York City, became a priority after Sept. 11. Since then, Guo and his department have worked closely with Chief of Public Safety Matthew O'Reilly to come up with additional safety measures for the state's court system.

"It was a perfect match," said Guo. "We provided the technical solutions and the Department of Public Safety provided operational expertise. It's been a great team effort."

The first phase of the collaboration began in the spring of 2003. Of the 350 state court facilities, 30 New York City facilities are now equipped with the surveillance network. Guo and O'Reilly are currently working to install additional cameras in other courthouses and court buildings around the state.

Now, security officers with the proper clearance can monitor a variety of places inside and outside courthouses around the state via any PC computer. The digital cameras and software transmit images only over the court system's high-speed net-

work, not the public Internet.

Guo demonstrates by opening a Web browser to a map of New York City. From there he navigates to Brooklyn courthouses, and a grid of the courthouses appears. As he rolls the cursor over each building, its name and address pop up.

When Guo selects a specific courthouse, the detailed floor-plans that highlight the location of the surveillance cameras in and around the building appear. Once he clicks on a camera icon, the screen fills with an image of an entry door or a pedestrian walking outside the courthouse. The surveillance system is not equipped to videotape the images, but Guo said that's something officials are considering for the future.

The implementation of the entire system is a two-year project designed to bring an innovative and cost-saving security plan to all of New York State's court system.

Guo knew he could find inexpensive cameras to use in the effort, but when he and his staff began their project they found that the existing software for integrating the images was both expensive and underpowered. So, Guo decided that he and his staff would develop a system of their own at a fraction of the cost of a commercial application. ●

NEW YORK COURTS REVIEW SECURITY

IN THE WAKE OF THE TRAGEDIES in Chicago and Atlanta, Chief Administrative Judge Jonathan Lippman has appointed a Task Force on Court Security to conduct a comprehensive review of security policies and practices and to issue a written report and recommendations. The Task Force will look at all aspects of court-related security, including judicial threats, courthouse screening procedures, prisoner transportation, training, and the use of technology to enhance security. The Task Force will be chaired by OCA Administrative Director Lawrence Marks and OCA Chief of Operations Ronald Younkens. "Security has always been a high priority for us, and we have great confidence in our court officers and our existing security procedures," Marks said. "Nonetheless we expect that we will find ways to improve our security efforts and make our courts safer." The Task Force expects to issue its report in early summer. ●

BY ANITA WOMACK-WEIDNER

PROFILE: JUDGE TRAFICANTI SERVES AS CONSULTANT TO ARMENIAN JUSTICE SYSTEM

JOSEPH J. TRAFICANTI JR., the former Deputy Chief Administrative Judge for the Courts Outside New York City, left the United States in May 2004 to aid Eastern European countries in developing their judicial infrastructure. On a visit back home during his one-year term in Armenia, Traficanti said it is he who has learned valuable life lessons from the Armenian community.

"I had a career crossroads," said Traficanti. "I found myself really interested in wanting to learn about different cultures," he said. Traficanti had traveled abroad, but had never lived in another country.

A call from DPK Consulting—a firm based in San Francisco that provides technical, management and advisory services to foreign governments and civil society organizations—offered him a chance to combine his profession with his newfound desires. DPK Consulting had been awarded a World Bank project in Armenia to re-engineer procedures in three civil and commercial law pilot courts in the capital city of Yerevan, to help introduce modern case-processing systems and a new organizational structure, which in part would speed up case processing. Traficanti was asked to head the project that would help establish and strengthen productive relationships between state and society and develop sustainable government and judicial systems that

are responsive, transparent, accountable, fair and efficient. So Traficanti and his wife, Gretchen, packed up and moved to Armenia.

"I thought this was a good opportunity to experience international consulting," said Traficanti. "Armenia is a newly-independent state, having been part of the Soviet Union for 70 years. The country has a high literacy rate—in the upper 90th percentile. Armenians are a strong people, determined people."

Armenia, located just east of Turkey, is slightly smaller than the state of Maryland. The official languages of the country are Armenian and Russian. There are over three million residents in the country, which is a land bridge between Asia and Europe.

Traficanti said he was impressed with the strong Armenian family structure, the rich history of the country, and its religious and cultural institutions. "There are no drugs on the street. You won't see any stoned kids wandering around. They value education. There's no misbehaving in school, and family means everything."

Armenians value culture and art. The country has art museums, an opera house and a philharmonic hall. All of the arts are subsidized so most citizens can afford to experience them. Even a top-notch philharmonic concert may cost only \$3.

In contrast, many residents of the

Armenian capital have electricity for only one to two hours a day. People were used to having heat, but resources and money became so scarce that people were pulling up their parquet floors to burn them for fuel. The cost of living is low, but so are the wages. A chief court clerk makes \$70 a month. A policeman earns \$50 a month. Judges just received raises and saw their salaries grow from \$250 to \$500 a month. In addition, the legacy of corruption from the Soviet era produced an overall lack of trust in the government. Traficanti is hoping that the work he is doing will help change that.

"This country has been through many centuries of occupation, suppression and genocide," said Traficanti. "Armenia is a highly-industrialized republic which provided military supplies, computers, software and diamonds to other countries. But when the Soviet Union collapsed, the market evaporated, and the country went from full to 50 percent employment."

Traficanti has found the work "fulfilling, professionally and personally. I can apply some of the experience I learned in New York." From 1991 until May 2004, Judge Traficanti was responsible for overseeing the operation and administration of the trial courts outside New York City. That position placed him in charge of court operations in 57 counties, 61 cities and 1,100 towns and vil-



lages. "They [Armenians and their government] are where we were 25 years ago in terms of [court] culture and automation. In a sense, I had a dry run for this job working in New York."

When asked how much change could be accomplished with a one-year project, Traficanti replied:

"This is a short-term project, and as a result, we will only be able to plant seeds. We are building a prototype in three pilot courts. If successful there, the republic will replicate our work around the rest of Armenia."

Traficanti left Yerevan in May and will hopefully sign up for another assignment in another country. Traficanti said he feels good about the work he's doing. "You know that button you press on the computer that says refresh? Well, I feel like I've refreshed my life." ●

Judge Joseph J. Traficanti Jr., left, stands outside of an Armenian courthouse under renovation with Armenian Chief Judge Tigran Sahakyan

CHIEF JUSTICES MEET IN MANHATTAN

Chief Judge Judith S. Kaye was the host of the 2005 midyear meeting of the Conference of Chief Justices at Le Parker Meridien Hotel from Jan. 23-26.

Chief Justices from more than 40 states gathered for their annual Conference to discuss topics such as access to and fairness in the courts, jury reform, families and children and specialized business court models. Session topics included "Issues in Jury Reform" and "Accountability and Safety: State Court Response to Domestic Violence."

New York Attorney General Eliot Spitzer and Wisconsin Chief Justice Shirley S. Abrahamson, the current president of the Conference of Chief Justices, spoke at the opening ceremonies. Justice Abrahamson welcomed the group and called New York home to some of the most innovative courts. Kenneth Feinberg, special master of the federal September 11th Victim Compensation Fund, was the luncheon speaker on the closing day. He described the many challenges of administering the Fund, created by Congress to provide 9/11 victims and their survivors with an alternative to litigation.

The National Center for State Courts, which serves as executive staff for the Conference, sponsored the event. ●



(TOP) CHIEF JUDGE JUDITH S. KAYE and New York City MAYOR MICHAEL R. BLOOMBERG; (TOP RIGHT) Wisconsin CHIEF JUSTICE SHIRLEY S. ABRAHAMSON, President of the Conference of Chief Justices; (ABOVE RIGHT) New York Attorney General ELIOT SPITZER; (ABOVE LEFT) The Chief Justices

REPORT PROPOSES CHANGES IN CIVIL CASE MANAGEMENT

THE "COMPREHENSIVE CIVIL JUSTICE PROGRAM 2005: Study and Recommendations," a report prepared by First Deputy Chief Administrative Judge Ann Pfau, was released in February. The report was the result of a year-long statewide review of the impact of the Comprehensive Civil Justice Program (CCJP), implemented in 2000 to overhaul civil case management. The report concludes that the CCJP has been "an unqualified success," resulting in dramatic decreases in the time it takes civil cases to reach disposition. The report also offers proposals for continued advancements in civil case management.

Recognizing that timely resolution of cases is key to providing litigants with effective justice, the core component of the CCJP is the implementation of Differentiated Case Management (DCM), which matches judicial and nonjudicial resources to the needs of each case. Before DCM, the average time to reach resolution in a civil case was 606 days. Under DCM, that figure is now 380 days, a 37 percent decrease, accomplished without any decrease in annual filings. The report also found that "courts are not only resolving cases more quickly, but resolving them in greater numbers." Since DCM, judges disposed of

nearly 110,000 more cases than were filed.

Under DCM, a case is actively managed from the time it is first assigned to a judge. Standards and goals apply according to a tracking system based upon the complexity of a case. On the expedited track, discovery must be completed within eight months of the filing of the Request for Judicial Intervention (RJI). On the standard and complex tracks, the discovery time frames are 12 months and 15 months, respectively. Each track has an additional 15-month period for a case to reach disposition. According to the report, these time frames have reduced the life span of new cases, eroded existing backlogs of old cases and given judges greater control over case-progress. The report also found that the legal community has adjusted well to the court's oversight of litigation and the DCM time frames.

While heralding the significant accomplishments achieved over the last five years, the bulk of the report focuses on recommendations for achieving additional efficiencies in case management, including the following:

- **REPLACING** the current bifurcated system of standards and goals—with one standard for the time period covering discovery, and another through the end of trial—

with a single time frame from RJI to resolution, giving judges, at their discretion, more flexibility to adapt discovery schedules to the needs of each case.

- **REDUCING** overall standards and goals for all case-types: 20 months from RJI to resolution for expedited cases; 24 months for standard cases; and 27 for complex cases, with an extended track of 32 months for exceptionally complex cases (including discovery within 20 months).

- **CREATING** a model guardianship part to allow consolidation before one judge of the multiple proceedings concerning an incapacitated person and to maximize the use of social services.

- **ESTABLISHING** a child-centered model custody part to promote resolution of custody disputes in a manner that minimizes the negative impact on children, which would incorporate mediation, stress management and counseling and provide links to appropriate services.

- **APPLYING** DCM to tort cases against New York City, which represent 25 percent of the pending civil caseload in New York City.

- **OPENING** specialized parts for medical malpractice cases to encourage more efficient resolution of these matters.

The complete report can be found at: www.nycourts.gov/reports.

COURT OFFICER CAREER OPPORTUNITY

THE NEW YORK STATE court officer-trainee exam will be given on Oct. 22 and Dec. 10. Applicants must be at least 18 years old at the time of appointment, a U.S. citizen, a resident of New York State, have a high school diploma or equivalent and pass a written examination.

Applications are available at any courthouse, at the Office of Court Administration and online at: www.nycourts.gov/careers/coexams.shtml. All applications must be submitted by mail and postmarked no later than July 29. For more information, check the Web site or call 800-654-5578 (212-428-2587 for the deaf and hearing-impaired).

PUBLIC ACCESS TO THE COURTS

COURT RECORDS

The New York State court system, like others across the nation, is examining the meaning of public access to court records in the age of the Internet. Based on last year's report from a commission that studied the need to ensure open access to court records while protecting legitimate privacy and confidentiality concerns, the court system has developed a three-part plan to implement the recommendation that public court records be made available in electronic form over the Internet to the same extent that they are available in paper at the courthouse, with limited exceptions to protect sensitive information.

DECISIONS— Since 2000, some decisions from some courts have been published on the court system's Web site, largely at the discretion of individual judges. Under the new policy, decisions of all courts and all case types will be posted on the Web, subject to confidentiality limitations. As of January 1, 2005, over 156,000 trial court decisions were posted.

CALENDARS AND OTHER CASE INFORMATION— Currently, calendars and other case information for pending Supreme Court civil cases in all counties are published online on the "Future Court Appearance System" Web site, which receives approximately one million visits a year. Information is also available there for Housing Court in New York City and Erie County and for criminal cases in New York City and certain counties. The site can be accessed at www.nycourts.gov by double-clicking on "e-courts." Internet access to this information will be enhanced and extended to additional case-types and counties.

CASE FILES— The posting of actual files on the Internet presents a particularly difficult challenge. While there are electronic-filing pilots around the State, most cases are still filed by paper. Creating electronic versions of large case files presents significant issues of its own. In order to properly address the confidentiality and redaction issues involved, this component of the plan will be tested in a pilot program, which is under development.

JUDICIAL DIRECTORY

The public has a right to know basic information about elected or appointed officials who hold important positions of public trust.

In February, the New York State Unified Court System took an important step toward this goal by unveiling a Judicial Directory at: www.nycourts.gov/judges/directory.shtml. The site provides basic biographical information about judges, including educational background; admission to the bar; prior professional experience; current and prior judicial seats, whether elected or appointed (and, if appointed, by whom); professional and civic activities and affiliations; and publications. The Judicial Directory was created in response to calls from the public, the media and bar associations to provide more information about state judges in an accessible manner. Because the information was not available in one place or in any uniform way, finding information about most judges was a time-consuming and labor-intensive process.

The creation of the directory was also recommended by Chief Judge Kaye's Commission to Promote Public Confidence in Judicial Elections, known as the Feerick Commission, with the goal of creating a better-informed electorate.

ATTORNEY REGISTRATION

In another effort to make information more accessible to the public, the court system is posting more details on its Web site about attorneys admitted to practice in New York State. Previously, the information available consisted of names, business addresses and phone numbers, and attorney registration numbers.

Now, in addition, by clicking on "Attorney Directory" at www.nycourts.gov/attorneys, anyone can learn the date and Judicial Department of admission; the law school attended; the attorney's registration status—whether an attorney is currently registered, due to register or delinquent; and whether an attorney's status has been affected by any disciplinary action.

ATTORNEY ACCESS TO CASE INFORMATION ONLINE

Attorneys now have increased online access to criminal case information, eliminating a trip to the clerk's office to look at the case file. The first phase of this initiative enabled attorneys to access information—including details about the charges, scheduled appearances and motions—from computer terminals in the courthouse. As of May, attorneys can also access the same information remotely over the Internet. All that is needed to access the system is a user ID. The initiative includes pending cases in all criminal courts in New York City, Buffalo City Court and the County Court in Erie, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam and Dutchess Counties. A special feature of the program can provide email notification to the attorney of future court appearances in the case being tracked.

The application for a user ID, available to attorneys at no charge, is available at: www.courts.state.ny.us/forms/AttorneyAccessstoCRIMS.pdf. A list of courthouse terminals is available at: www.courts.state.ny.us/forms/listofCRIMsterminals.pdf.

FAMILY COURT E-PETITION PROGRAM



Two court employees demonstrate the E-Petition Program

JOSÉ A.* WALKED INTO KINGS COUNTY FAMILY COURT 13 years ago to file a petition to ensure visitation rights with his child, and spent eight hours initiating the paperwork to get his ex-wife summoned to court.

When José A. walked into Kings County Family Court this past December, he filed the same visitation rights petition in connection with another child and completed the same paperwork in 20 minutes.

The difference is an automated electronic filing program jointly developed by the Family Court and OCA's Division of Technology.

"You don't want to know what it was like the last time I came here," José said. "I nearly lost my mind going through the process. But now the new system is really fast."

Under the new system, a person seeking a visitation order enters basic information on an easy-to-use "touch-screen" program on a computer terminal at the courthouse. The program asks simple questions, nearly all of which can be answered either yes or no.

Anyone capable of using an ATM can use the system. The only keyboarding required is the typing of names, Social Security numbers and addresses. Previously, a person had to go through the steps of filling out

a hand-written application, being interviewed by a court employee, and then having that employee prepare a petition. That process, including the wait time, often took hours.

The e-petition pilot program began in Kings and Bronx Family Court and is currently limited to visitation cases. The program will expand to New York, Queens and Monroe Counties this summer. OCA is working on making other case types available by e-petition, starting with custody and modifications of support. Eventually, the goal is to allow a person to complete the online petition remotely over the Internet, eliminating the trip to the courthouse.

In light of heavy Family Court case-loads, the new system offers significant benefits to both litigants and court staff. In the first six months of the pilot, over 600 people have prepared their own e-petitions.

The prospects for using the technology even further are fascinating, said Kings County Family Court Supervising Judge Jane Pearl. "I think it's very exciting to allow access to justice without making people wait," said Judge Pearl. "The electronic petition program offers tremendous potential."

**José A.'s full name was not used, to protect his privacy. ●*

KIDS GO TO WORK

AT COURTHOUSES AROUND THE STATE, children of court employees gathered on "Take Your Child To Work Day," April 28, to learn about the courts and see firsthand how their parents spend their day. At the Office of Court Administration, the children who assembled not only observed, they were given an assignment—to contribute artwork to a handbook that will be distributed statewide on the topic of families going through divorce. The children were asked to draw happy families, families going through divorce and pictures depicting anger.

"The Parent's Handbook" was compiled by the New York State Parent Education and Awareness Program. The primary goal of the handbook is to remind parents that although the relationship with their spouse may be ending, they need to find an effective way to continue to be parents to their children. The handbook offers helpful tips for handling conflict, announcing a separation or divorce to a child and seeking professional help. ●



A Happy Family, by Jennieka Knight-Meade, age 10.

COURT CONSTRUCTION UPDATE

COURT OF APPEALS – STATE OF NEW YORK

COURT OF APPEALS OF THE STATE OF NEW YORK

AFTER AN 18-MONTH STAY IN TEMPORARY QUARTERS, the State's highest court has returned to its fully-renovated and expanded Court of Appeals Hall. Built in 1842 to house state offices, the Greek-revival building was converted into a courthouse in 1917, when the elaborate H.H. Richardson-designed courtroom was dismantled, piece by piece, and moved from the State capitol to its new home. The courthouse underwent a major renovation in 1959. By the late 1990s, another renovation was necessary to replace failing building systems and bring the building into compliance with the Americans With Disabilities Act, as well as fire and building codes. Because of its growing workload, additional space was also needed.

WHAT'S NEW? The renovation involved about 60,000 square feet of courthouse interior, while the additional space of about 33,000 square feet matches the courthouse's interior and exterior design. The building's electrical, plumbing, ventilation, heating, cooling and telecommunications systems were all replaced. Wherever possible, materials, fixtures and furnishings from the 1959 renovation were restored. The first floor now has an enlarged public space adjacent to the courtroom; all seven judges' chambers and the judges' conference room are for the first time on the same floor; there is space for staff meetings and training on the third floor; and all mechanical systems and technology are now up-to-date.

ARCHITECT: DeWolff Partnership Architects LLP



The new addition (left) was constructed with the same materials and designed in the same style as the original building (below).



COURT OF APPEALS OF THE STATE OF NEW YORK

APPELLATE DIVISION, FIRST DEPARTMENT

IN 1966, THE NEW YORK CITY LANDMARKS COMMISSION designated the Appellate Division, First Department courthouse as a landmark and cited it as the "epitome of collaboration between architect, sculptor and mural painter." By the early 1990s, the courthouse, originally completed in 1900, was showing its age. The marble facade was deteriorating, building systems needed to be replaced or updated and the judges' ornate wooden bench was in a state of serious disrepair.

WHAT'S NEW? A multi-year project has restored the courthouse to its original grandeur. The facade has been repaired and stabilized and the major building systems replaced or modernized. The restoration of the courtroom included the dismantling, refurbishing and reinstallation of the judges' bench, and the replication of the original 1900 chandeliers and wall sconces, which had been removed in an earlier renovation. In March, the courthouse was rededicated in a ceremony attended by Gov. George E. Pataki, Mayor Michael R. Bloomberg and Chief Judge Judith S. Kaye.

ARCHITECT: Platt Byard Dovell White LLP and SBLM Architects



APPELLATE DIVISION, FIRST DEPARTMENT

JON FISHER

WESTCHESTER COUNTY COURTHOUSE

A NEW ANNEX to the Westchester County Courthouse in White Plains opened in January.

WHAT'S NEW? The three-story annex includes 22 courtrooms and related space for the Family and County Courts. A key feature is an enclosed landscaped area, open to the sky, that was created by joining the semicircular glass-and-brick annex to the existing 20-story courthouse tower. The park-like area is open to court visitors and can be viewed from courthouse waiting areas. The project's final phase will be the renovation of the tower, originally completed in 1970, for the Supreme Court and the Westchester County Surrogate.

ARCHITECT: Pei Cobb Freed & Partners
Fuller and D'Angelo P.C.



WESTCHESTER COUNTY COURTHOUSE

PEI COBB FREED

JEFFERSON COUNTY COURTHOUSE

AFTER YEARS OF PLANNING, DESIGN AND CONSTRUCTION, the Jefferson County Courthouse opened in October 2004 in Watertown. The courthouse includes the Family Court, Surrogate's Court, County Court, the Supreme Court Law Library and the Commissioner of Jurors.

WHAT'S NEW? The new facility is comprised of a renovated post office and a new addition. The former post office is a historic structure, which once housed a courtroom of the federal district court, later renovated for County Court use. The project features state-of-the-art technology, including a Digital Evidence Presentation System. The project team worked closely with the New York State Office of Parks and Historic Preservation, which has jurisdiction over projects that alter or otherwise have an impact on historic buildings.

ARCHITECT: RicciGreene Associates



JEFFERSON COUNTY COURTHOUSE

RICCI GREENE ASSOCIATES

SUFFOLK COUNTY SIXTH DISTRICT COURT

THE SIXTH DISTRICT COURT IN PATCHOGUE was closed for 16 months while undergoing extensive renovations to better serve its constituents. The court facility reopened on Nov. 17, 2004.

WHAT'S NEW? The renovated courthouse contains an enlarged courtroom to accommodate jury trials, a jury-deliberation room, attorney-client meeting rooms, two arbitration-hearing rooms, and enhanced security technology. The renovation also included a new heating, ventilation and air conditioning system, a new fire alarm system, a new magnetometer and security station, new lighting in the parking lot and landscape for the building perimeter. A spacious lobby includes a new public information system that provides procedural "how-to" information to self-represented litigants and attorneys.

ARCHITECT: Keith Larsen and Wiedersum Associates



SIXTH DISTRICT COURT IN PATCHOGUE

DANIELLE DREVAS

FIDUCIARY COMMISSION ISSUES REPORT

THE COMMISSION ON FIDUCIARY APPOINTMENTS, a blue-ribbon panel appointed by Chief Judge Judith S. Kaye, released its findings in a February report calling for further changes in the appointment and monitoring of certain fiduciaries in the state courts.

The 14-member panel of lawyers and judges, chaired by attorney Sheila Birnbaum, was asked to propose ways to improve court oversight of individuals appointed to make financial and personal decisions for the elderly and incapacitated, as well as persons appointed to assist in the administration of estates.

The Commission issued its first report in December 2001, calling for an overhaul of the fiduciary selection process and recommending that the Commission be reconvened in the future to assess progress and the need for additional reform. Comprehensive new rules relating to fiduciary appointments have since been adopted. In January 2004, Judge Kaye asked the Commission to reconvene and continue its work.

The latest recommendations come following the conviction of an attorney who, in his capacity as guardian, systematically stole \$2 million from the estates of numerous wards over a five-year period. The crimes went undetected in part because fiduciaries known as court examiners did not exercise adequate vigilance in reviewing the attorney's work, and because of other systemic gaps in oversight.

An estimated 3,000 guardianships are filed annually in New York, while approximately 18,500 guardianships are pending in the state courts at any given time. Guardianships can last for many years, depending on the health of the ward.

The Commission recommended that the judiciary establish offices of "court examiner specialists" to oversee court examiners and ensure that the necessary accountings and procedures are properly followed; the annual compensation limit for court examiners be raised to \$75,000 to help attract and retain competent individuals; and official forms be adopted for guardianship proceedings across the state.

Aside from its recommendations for guardianship proceedings, the Commission proposed new rules disqualifying certain categories of individuals from serving as public administrators (individuals appointed to administer an estate when there is no one else to serve in that capacity) or their counsel. The Commission also endorsed amending the Surrogate's Court Procedure Act to establish binding fee schedules governing fee awards to the counsel to the public administrator. Surrogates would be required to file publicly available reports with the Office of Court Administration of all awards and legal fees earned by such counsel exceeding \$500. The complete report can be found at: www.nycourts.state.gov/reports. ●

OCA UPDATE

COMMUNICATIONS:

OCA'S WEB-CONFERENCING SYSTEM became operational in June for court employees through the court system's internal Web site, CourtNet. This system permits up to 40 simultaneous users in different locations to view a computer demonstration. As of last year, a new audio-conferencing system enables court administrators to link more than 50 participants. A video-broadcast system will soon be available, permitting both live and taped video programs to be sent to individual computers throughout CourtNet. All three systems—Web, audio and video—enhance the court system's communication abilities and make it more convenient to provide distance-learning and off-site training programs.

COURTHOUSE VIDEO APPEARANCES:

THE NUMBER OF INMATE VIDEO APPEARANCES CONTINUES TO RISE as this initiative enters its fourth year. Originally designed to enable Riker's Island detainees to "appear" in courtrooms throughout New York City, this program has expanded to include inmate "visits" with probation, drug treatment providers and attorneys. Since the program started in 2001, the total number of inmate video teleconferences citywide grew to 7,500 last year. The court system now has video installations in 35 courtrooms and video booths. The Riker's Island facility has 12 video booths. OCA is working with the commissioner of the New York City Department of Correction to expand this program even further this year.

AUTOMATION:

THE DIVISION OF HUMAN RESOURCES is currently implementing an ambitious statewide initiative to automate the court system's time and leave and personnel systems. The **Kronos** automated timekeeping system is now being used by over half of the nonjudicial workforce, with a February 2006 target date for statewide implementation. This will result in a uniform, simplified timekeeping system that ensures the accurate transmission of time and leave records in support of payroll transactions. The **PeopleSoft** project represents a fundamental change in the way the court system maintains personnel records. With PeopleSoft, the court system will have a single, fully-integrated system for recording and maintaining personnel information. Unlike Kronos, which is being rolled out over a period of time, PeopleSoft will be available to all human resources personnel statewide in 2006.

PROFESSIONAL DEVELOPMENT CENTER:

THE PROFESSIONAL DEVELOPMENT CENTER, home to the Career Services Office and the Court Officers Academy, will continue to expand its training program in 2005. Building upon the title-specific educational programs offered in previous years, a cross-jurisdictional training program will be offered to court clerical employees. In addition to supporting court clerical employees who may be interested in assignments in different courts, this program will ease their transition to assignment in problem-solving and integrated courts. The Court Officers Academy is also expanding its reach to upstate New York, having opened a satellite training academy in Cohoes for new recruits and in-service training.

WORKFORCE DIVERSITY:

THE WORKFORCE DIVERSITY OFFICE has completed a comprehensive review of the census results that became available at the end of 2004 and will be working with executive managers in the courts and district offices to establish local goals and objectives based upon this analysis. Once these goals and objectives are set, the office will support local recruitment and development projects. ●

BY ANITA WOMACK-WEIDNER

NEW BRONX COURT RESOLVES 3,000 PENDING CASES IN UNDER FIVE MONTHS

THERE'S NO NEW BUILDING. There are no additional judges. But there is a new way of doing things in the Bronx.

Judges in the Supreme and local criminal courts in the Bronx became part of a single trial court on Nov. 8 in an experiment designed to address both the inventory of older felony cases and the thousands of backlogged misdemeanor cases. In the new Bronx County Criminal Division, which remains somewhat controversial in terms of court restructuring issues, all the judges are capable of handling either felony or misdemeanor cases.

Spearheaded by Deputy Chief Administrative Judge for Court Operations and Planning Judy Harris Kluger, the effort to implement a single, streamlined court of criminal jurisdiction involved an extraordinary amount of attention to operational details as well as collaboration with courtroom and back-office personnel in both courts. All that advance planning paid off, according to Judge Kluger, who said that the new Division "started beautifully from day one. We did all the ground work we needed to do, and there were no major problems."

The impetus for the move was twofold—caseload backlogs and efficiency in judicial resources. At the end of September 2004, there were 11,000 pending cases in Criminal Court and 2,800 indictments in Supreme Court, court officials said. Forty-eight percent of the indictments had been pending more than six months. New York's speedy trial guidelines require that misdemeanor cases be tried within 90 days, felony cases with-

in six months, yet there were cases lingering for a year or longer.

By April 2005, the new Criminal Division had reduced the number of pending cases by 3,000, including felonies and misdemeanors. After just one month, many more misdemeanor cases had been tried than in all of the previous year, according to Bronx Supreme Court, Criminal Term, Administrative Judge John Collins.

The Division has helped clear cases in part because some defendants faced both felony and misdemeanor charges, which meant appearances before two judges, two proceedings and two schedules. An attorney might request a delay in the felony case pending the outcome of the misdemeanor case, and vice-versa. While both cases were "on hold," delay not only impacted the courts but also victims and witnesses, who might move away or lose interest in a case.

On the day we visited, Judge Troy Webber had a case that illustrated the effect of the change. A defendant pleaded guilty to vehicular homicide and several unrelated misdemeanor charges at the same time. Previously, that would have required two proceedings in two courtrooms with different judges.

The new Division will allow the court system to respond efficiently to whatever caseload trends may develop in the future. For now, Judge Kluger said, it's a work in progress that she will be monitoring on an ongoing basis. ●

