

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.

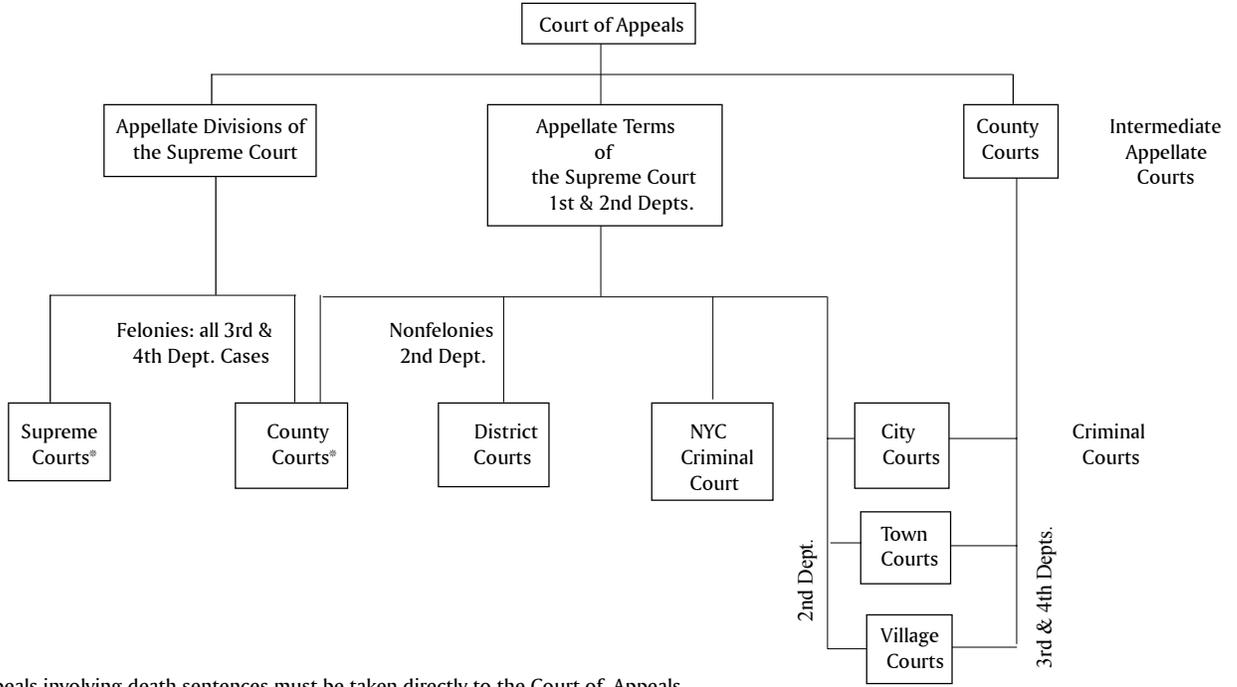


Skip Dickstein

New York State Court of Appeals

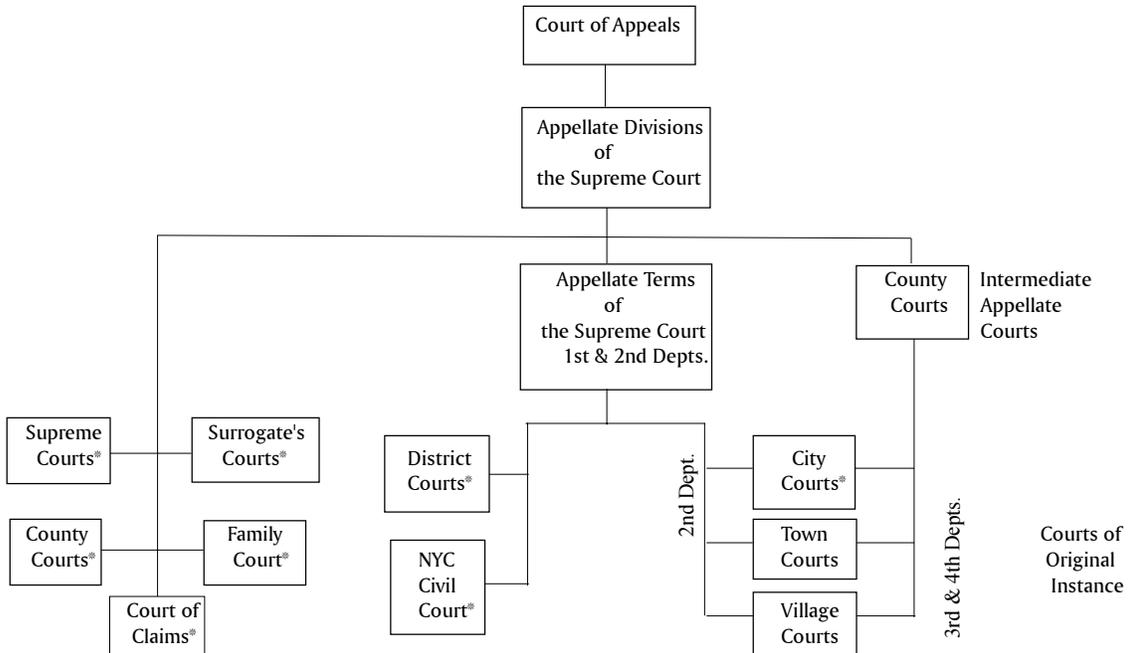
Howard A. Levine, George Bundy Smith, Richard C. Wesley, Carmen Beauchamp Ciparick, Joseph W. Bellacosa
Vito J. Titone, Judith S. Kaye, *Chief Judge*

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

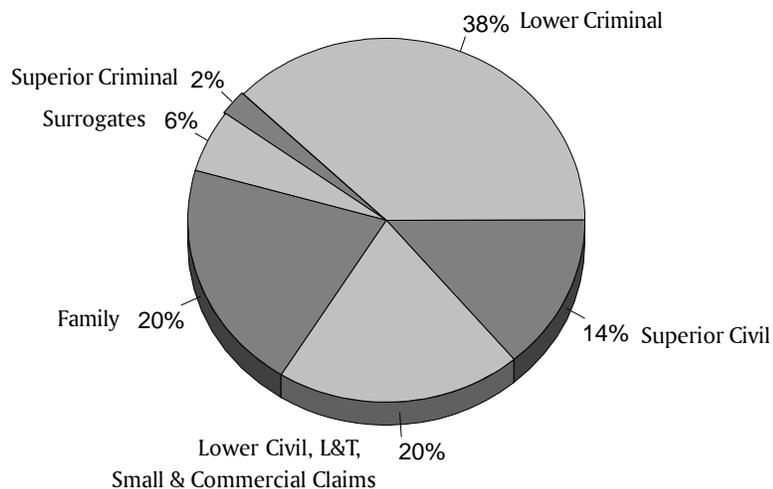


Table 5
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1997

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

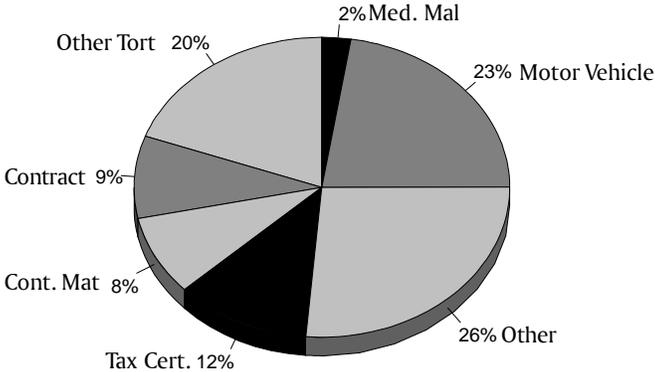


Figure 4
REQUESTS FOR JUDICIAL INTERVENTION
by Type of Disposition
1997

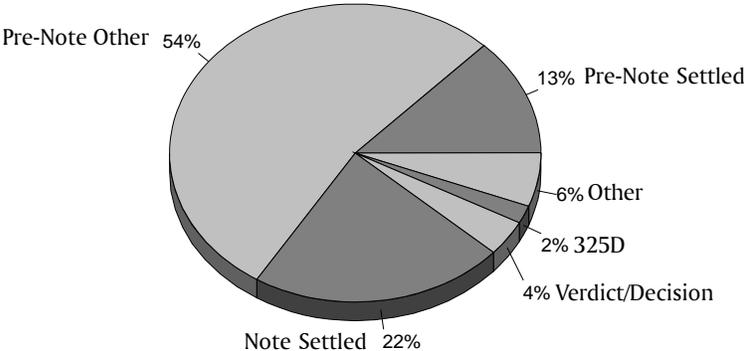


Table 7
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS
by Judicial District
1997

	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

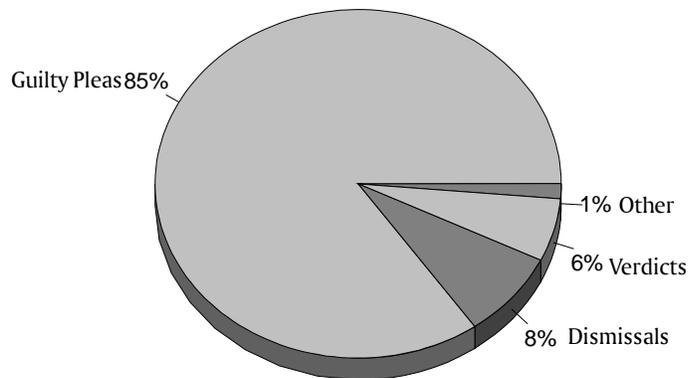


Table 8
SUPERIOR COURT CRIMINAL
Indictments Filed and Disposed
1997

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

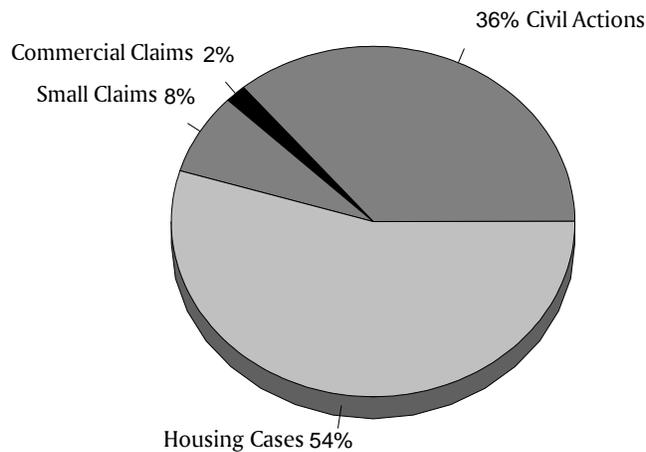
The *New York City Civil Court* has jurisdiction over civil cases involving amounts up to \$25,000. It includes a Small Claims Part and a Commercial Small Claims Part for the informal disposition of matters not exceeding \$3,000. It also has a Housing Part for landlord-tenant proceedings.

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

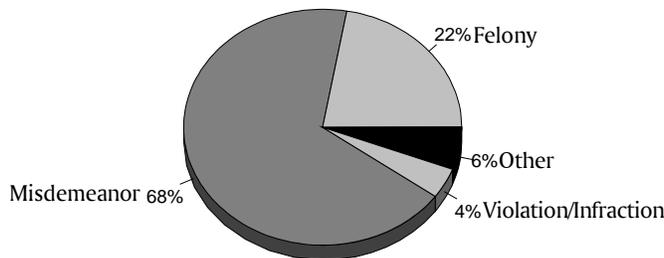
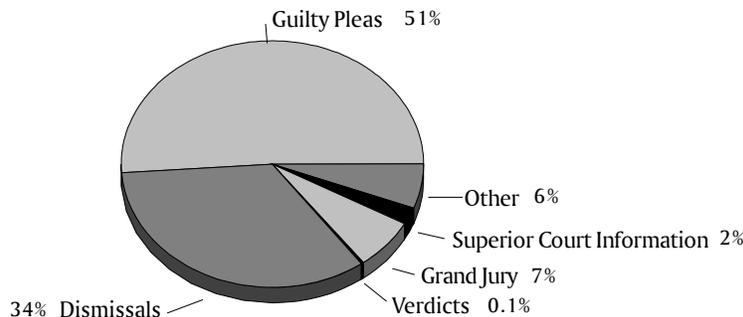


Figure 8
NYC CRIMINAL COURT DISPOSITIONS
 by Type of Disposition
 1997



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

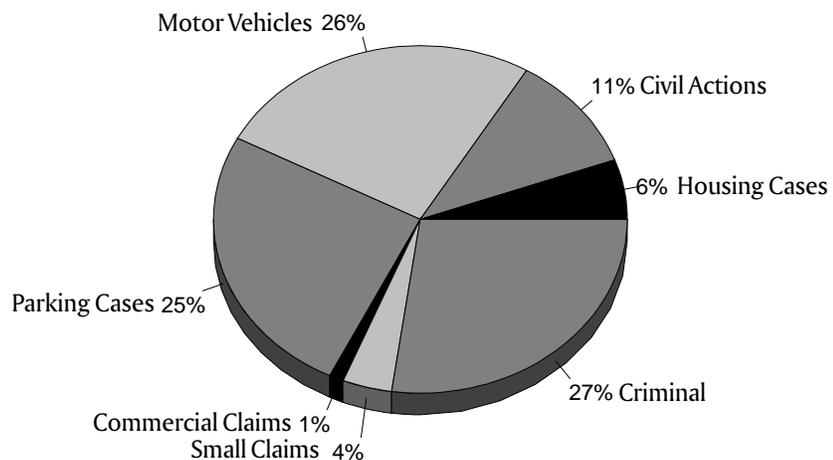


Table 9
COURTS OF LIMITED CIVIL JURISDICTION
Caseload Activity
1997

	<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

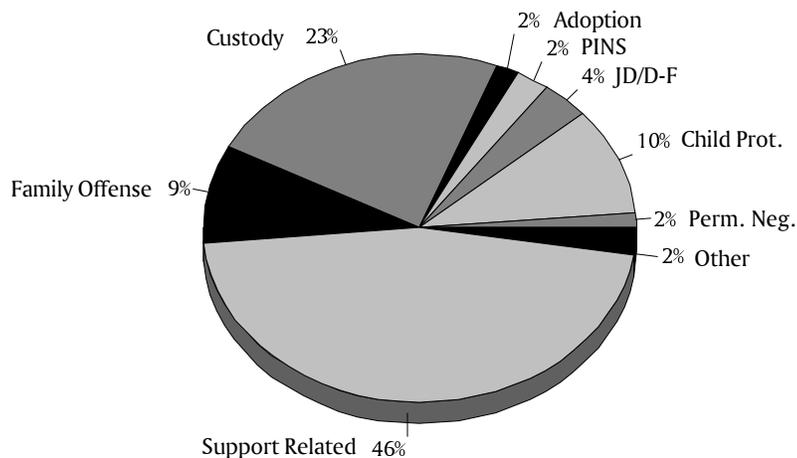


Table 10
FILINGS AND DISPOSITIONS IN FAMILY COURTS
 Statewide by Type of Petition
 1997

<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