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THE STATE OF THE JUDICIARY



JUDITH S. KAYE

CHIEF JUDGE OF THE STATE OF NEW YORK

NEW YORK STATE UNIFIED COURT SYSTEM

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Chief Judge *of the* Court of Appeals

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JUDITH S. KAYE

INTRODUCTION

NEXT MONTH, I WILL CELEBRATE AN ANNIVERSARY THAT IS ESPECIALLY BITTERSWEET: my thirteenth as Chief Judge of the State of New York.

The bitter part, of course, dates back to 1869—some years before my arrival on the Court of Appeals—when the New York State Constitutional Convention fixed a term of fourteen years for Court of Appeals Judges, a compromise between those who wanted the judges to have life tenure and those who wanted only a term of years. The basis for the compromise, interestingly, was simply the statistical average of the actual length of service of judges who at that time had life appointments. Sadly for me today, back in 1869 the number was fourteen years.

The relentless ticking of the clock is, however, more than overshadowed by the privilege I have as Chief Judge—the most incredible life imaginable, surely far beyond my wildest fantasies growing up in Monticello, even beyond my wildest fantasies as a young lawyer in sophisticated New York City in the 1960's. I place at the top of the list my good fortune to work alongside extraordinary, dedicated people, beginning with my Court of Appeals Colleagues, Judges Smith, Ciparick, Rosenblatt, Graffeo, Read and Smith (Smith to Smith); Presiding Justices Buckley, Prudenti, Cardona and Pigott; Chief Administrative Judge Lippman and the great judges and staff of the Unified Court System; and our partners in government and the Bar. I thank and applaud them all.

While I celebrate my good fortune every day—indeed every time I enter this magnificent courtroom—this anniversary has particular significance for me. Thirteen years as Chief Judge—and I do not overstate when I say that they have been good years for the New York State courts in terms of solid performance and sound innovation—have given me a unique perspective. From those unforgettable first days of struggling to learn, and understand, the intricacies of our vast court system, among the busiest and most complex in the universe, I have arrived at the point where I know what matters most, what most needs to be accomplished. This is my promise, my commitment, to use every precious minute of my remaining term intelligently, energetically and constructively, to see that the New York State courts continue to serve the public as effectively as is humanly possible.

THE JUDICIARY

JUDICIAL SALARIES

I start with a subject that, regrettably, is of great urgency for us—judicial salaries. New York State judges hold an unenviable record: we have gone without a pay increase longer than any other judges in the country. Judges of our major trial courts now earn considerably less than innumerable other State employees; considerably less than Federal judges with whom they traditionally enjoyed pay parity—indeed, at one time New York State judges earned far more than Federal judges; considerably less than many first-year lawyers in New York City firms; even less than some public office lawyers who litigate before them.

It is a profoundly unfair and demoralizing situation. While we anticipated that some financial sacrifice would be associated with a career in public service, surely no one could have expected only two increases in 18 years. Like everyone else, judges have financial obligations that come with everyday life—like mortgages, rent, college tuition—and the cost of living has skyrocketed, thus in reality eroding and reducing their compensation. Basic fairness dictates that their compensation be adjusted to reflect changes in the economy, particularly since judicial positions are full-time, and judges have prohibitions on earning outside income.

Seven years without any increase in compensation is counterproductive in another sense. We are a society that needs and depends on an effective Judiciary, but this diminishes our ability to attract and retain the very best lawyers and judges, and thus ultimately is harmful to the public interest. Chief Justice Roberts and the late Chief Justice Rehnquist have made the same arguments on the Federal level, and they are entirely correct.

The time has come for meaningful action. On December 1st, we submitted to Governor Pataki and the New York State Legislature a budget request for fiscal year 2006-07 that provides for a judicial pay increase retroactive to April 1, 2005. We took this highly unusual step to draw attention to the inequitable treatment of judicial compensation.

Our absolute top priority during this legislative session must be a judicial pay increase. With the unflagging support of judges throughout the State, we will remain a constant presence here in Albany throughout the coming months. We will not hesitate to make our voices heard or directly engage our partners in government, as we must do, and we will work tirelessly to educate everyone in government, the public and the media about the need for equitable compensation.

Speaking of doing what is right and fair, I wish at this point to acknowledge the steadfast support of Senator John DeFrancisco and Assemblymember Helene Weinstein. They have been our champions from the outset and have earned our gratitude. I am

grateful as well to Governor Pataki, who has consistently expressed his support and submitted a judicial pay bill, and to the legislative leaders, Senator Bruno and Speaker Silver, for their support and encouragement. In fact, there is no question that our partners in the other branches fully understand the urgent need for a judicial pay increase. Their inaction on this issue has had nothing to do with whether judges deserve a pay increase—*of course they do*—and everything to do with issues we cannot control. And that is precisely the problem that we must confront and resolve once and for all.

While our first order of business is to secure an immediate increase for judges, we face a deeper problem in New York State that should also be addressed. As the head of the Third Branch—the nonpolitical branch—perhaps it's easiest for me to say what we all know to be true: New York's system for determining compensation for its public officials needs reform. People in public office should be compensated fairly.

Let's face facts. Too often in our State's history we have endured long compensation droughts, forcing us to go hat-in-hand to the Legislature to seek large, politically unpopular catch-up increases, which sometimes have been enacted without the kind of openness the public has every right to expect. This pattern has not served anyone well. New Yorkers deserve better, as do the hardworking public officials in the Executive, Legislative and Judicial Branches. It is high time that we take steps to change this process permanently and institute a more responsible method for assuring fair compensation.

Today, I announce that the Judiciary is submitting a proposal to establish a permanent mechanism for the regular salary review of officials in all three branches of government. Under our proposal, judges would receive an immediate increase to reestablish parity with Federal District Court judges, retroactive to April 1, 2005—basically the same proposal we submitted in 2005. What's new and different, however, is that beginning in April 2007, judges, legislators and executive branch officials would receive a cost-of-living adjustment, or COLA.

The proposed mechanism for establishing the COLA would be a Quadrennial Commission on Executive, Legislative and Judicial Compensation, a majority of whose members would be drawn from the general public, and whose first business would be to determine an initial catch-up increase for legislators and senior executive branch officials. This Commission and later Commissions also would prescribe appropriate COLAs for the four-year period following their deliberations, which would take effect on April 1st of each year unless abrogated or modified by the Legislature. Each Quadrennial Commission would be dissolved after issuing its report.

We make this proposal today, early in the legislative session, so that it can be fully aired in the public arena. We believe that our partners in government, and the public, will recognize the rationality, simplicity, accountability and transparency of the system we propose. The public would know beforehand precisely how much the salaries of high-level government officials would increase, and if economic or other conditions changed, the Legislature could modify or suspend the increases.

The bottom line is that we need a better method for assuring that judges—indeed, all high-level public officials—are appropriately compensated. That point was dramatically underscored for me this past year when, as the judges were visiting and imploring the legislators for long-overdue increases—which the present system compels them to do—a long-time lawyer stopped me on the streets of New York City to say that he was heartbroken to see the New York State Judiciary reduced to this posture. He said, “This is not what our judges should have to do.” He’s right. This is not what our judges should have to do. We need change, and I believe our proposal is a good one.

JUDICIAL ELECTIONS: FEERICK COMMISSION REPORT IMPLEMENTATION

I next move to a second subject of utmost concern—judicial selection.

As I was putting the finishing touches on this report at home Saturday before last, at about 6 a.m. I heard the sound of the newspaper being dropped at our front door—a quiet thud that has reverberated in my mind ever since. I refer, of course, to the decision of United States District Judge John Gleeson declaring unconstitutional, and enjoining, the convention system for nominating our Supreme Court Justices and ordering instead that, until the Legislature acts, nomination be by direct primary election.

As you know, for well over two years our Feerick Commission has been hard at work on the subject of judicial elections, by which three-quarters of our judges reach the bench. The Feerick Commission issued its first comprehensive report in December 2003, a second in June 2004, and today its third—and final—[Supplemental Report](#) focused, interestingly, on the convention system. In their totality, these reports represent a body of work unprecedented in depth and quality. The Feerick Commission held Statewide public hearings, conducted citizen focus groups, sponsored a public opinion poll and a survey of judges, met with political leaders, addressed bar and judicial groups, testified before legislative committees, and heard from numerous individuals in meetings and correspondence. The Commission’s proposed rule changes have been the subject of two public comment periods. We are all indebted to the members of the Feerick Commission—starting with John Feerick himself—for this comprehensive picture of our judicial election system and how to improve it.

One thing now is perfectly clear: that given the extensive findings of the Feerick Commission and the extensive findings of the United States District Court, we are not dealing solely with a “Brooklyn problem,” or a “New York City problem,” as I have heard some say. The issues that have been identified are pervasive, both systemically and geographically. They must be dealt with by our Legislature not just as a matter of obligation but as a matter of opportunity. It is no understatement that public confidence in the Judicial Branch is at stake.

While longer-range matters remain under consideration, however, I believe that the Feerick Commission recommendations should go forward, because they promise immediate improvement.

Most significantly, the Court of Appeals last month approved rules establishing a Statewide system of independent judicial qualification commissions, or screening panels, for all candidates for elective judicial office. These commissions do not alter the current elective system but rather bolster it by providing credible, independent local bodies to evaluate the qualifications of judicial aspirants. The ratings issued by these panels will stand as assurance to the public that whoever ultimately appears on the ballot has been found qualified for judicial service.

In this regard, we were pleased to learn of the support of Attorney General Spitzer and Mayor Bloomberg for independent screening panels. We are also pleased to learn of the New York State Democratic Committee's plan to establish screening panels consisting of independent, nonpartisan legal and community leaders to review candidates for Supreme Court. To my mind, that system nicely complements our own Statewide system of independent screening panels, which covers not only Democratic candidates for Supreme Court but also candidates of every political stripe for every judicial post. I commend the State Democratic Party Chair, Assemblymember Herman D. Farrell, for recognizing the importance of strengthening the independence and quality of the local party screening process.

Other Feerick Commission proposals approved by the Court of Appeals seek to reconcile New York's judicial conduct rules with the United States Supreme Court decision in *Republican Party of Minnesota v. White* (536 U.S. 765 [2002]), adopt monetary limits on what judicial candidates may pay for tickets to attend political functions, prohibit the use of campaign funds to purchase campaign-related goods and services for which fair value was not received, and require candidates to complete an educational program on campaign ethics.

Last year, the Legislature enacted one important Feerick Commission recommendation: all candidates for county and local elective office must file their campaign finance reports electronically with the State Board of Elections. That legislation accomplishes two goals: expanding the current electronic filing beyond Supreme Court candidates, and correcting the fragmentation of filing locations—57 county boards of elections—which has inhibited effective enforcement of campaign finance laws.

Administratively, we have already established the [Judicial Campaign Ethics Center](#), available to all candidates who want to assure that their conduct is within the letter and spirit of the judicial conduct rules. Last November, the Center created an online voter guide for the public with nonpartisan information about candidates for Supreme Court. The voter guide was featured on the State Board of Elections Web-site and received well over 10,000 visitors. Increasing access to information about judicial candidates was one of the key recommendations of the Feerick Commission. In May,

the Unified Court System and the Fund for Modern Courts will host a symposium at our Judicial Institute to identify ways to promote informed voter participation in New York.

Finally, as I mentioned earlier, the supplemental Feerick Commission report issued today focuses on the convention system by which political parties choose their nominees for Supreme Court. Currently, when a Supreme Court vacancy occurs, delegates to each party's judicial district convention are elected at the September primary election and convene shortly thereafter to nominate their candidates for Election Day.

After careful examination, the Feerick Commission found this system flawed, concluding that the current convention process fosters a public perception that delegates simply rubber-stamp the choices of political party leaders and do not act thoughtfully or independently. The Commission took a hard look at the principal alternative in this area—direct primaries—but without public financing felt compelled to reject a primary system. The Commission explained that many Supreme Court Justices must campaign in large multi-county districts, which means that campaign spending would skyrocket in a State that already has among the highest costs in the nation. Nothing is more destructive of public confidence in the impartiality of judges than the need to raise large amounts of money.

Instead of primaries, the Commission has recommended statutory change that would result in a complete overhaul of the judicial district nominating convention system, including smaller conventions with a reduced number of delegates; longer terms for delegates, to promote independence; more time and candidate information provided to delegates; reduced petitioning requirements for nomination as a delegate; and a statutory right of candidates to address the delegates at their conventions. While this issue remains in the Federal court and State Legislature, I am confident that the reforms we are now implementing will significantly improve judicial elections.

FAMILY JUSTICE INITIATIVES

Next turn to family justice, always a major portion of our dockets—more than 700,000 cases a year—and another critical concern for us.

MATRIMONIAL COMMISSION REPORT

In this vital area of work of the New York State courts, we are this year enormously aided by the outstanding efforts of yet another exemplary group that has, over the past twenty months, given freely of its time and experience. I refer to the Matrimonial Commission, chaired by former Second Department Appellate Division Justice Sondra Miller, [whose extensive report we make public today](#). As the report notes, substantial improvement has been made over the decade since implementation of the Milonas

Commission recommendations—most especially under the leadership of Statewide Administrative Judge for Matrimonial Matters Jacqueline Silbermann. But the highly emotional, traumatic, vexing subject of matrimonials continues to challenge us. The average time from filing to resolution has been reduced by more than half, but still divorce takes too long and costs too much—too much money, too much agony.

The Commission concludes that we need nothing short of a cultural revolution here, and I am grateful for the many recommendations that will further advance us toward that goal. As the Commission suggests, even the language we routinely use bears rethinking. Why not, for instance, “Parenting Time” instead of “Visitation,” which seems more appropriate to prison visits? I cite this as an example of the comprehensiveness of the Commission’s examination, which begins and ends with innumerable suggestions for streamlining the process of divorce, like early screening; meaningful preliminary conferencing; classification of cases according to conflict level, with strict timelines for each category; Statewide integration of alternative dispute resolution methods, in particular mediation of parenting disputes; and greater attention to issues surrounding financial and forensic experts.

With many, many recommendations for administrative, regulatory and legislative change—including (I am happy to say) a call for No-Fault Divorce, for further study of post-marital compensation guidelines, and for efforts to mitigate some of the needless confusion and duplication caused by overlapping Family Court and Supreme Court jurisdiction—the report unquestionably will be front and center for us in the coming months. I am pleased to announce a new Office of Family Services, headed by Justice Miller, a proactive think tank to help us develop best practices, pursue scholarship and research, and work toward the cultural change envisioned by the Commission. Thank you, Justice Miller, and all of your fabulous Commission members, for putting so many terrific ideas before us.

CHILDREN IN THE COURTS

Our focus on improving the lives of children in the courts, of course, is not limited to children in divorce. We are concerned as well about the tens of thousands of children in our Family Courts, and strive mightily every day to assure up-to-date case processing methods and resources equal to these demanding dockets. Although I spent my own lawyer-life as a commercial trial lawyer, since assuming the bench—and especially as Chief Judge—it’s the family issues, quite frankly, that dominate my days, and my nights. The recent tragic deaths in New York City put a spotlight for all of us on children’s safety, and the need always to assure that we do our part well. It’s clear to me that, as a society and a court system, we very much need to focus attention on the people served by Family Court. I outline just a few of our many initiatives in this area.

Last year, significantly, the permanency legislation we had so strenuously supported was at last adopted. To my mind this was a sterling example of collaboration as the

three branches of government labored alongside child advocates and other professionals throughout the child welfare system to bridge what had been a chasm of disagreement. Ultimately, the legislation incorporated many longstanding Unified Court System proposals to eliminate procedural barriers to permanency, bring the State into compliance with Federal permanency standards and help secure continuation of Federal financial support for child welfare programs. Numerous elements of the law reflect the successes of our model permanency parts, including continuous calendaring of child welfare proceedings, early investigation of non-custodial parents and other potential resources for children, and continuing legal representation of parents and children. We have joined together to ensure a smooth transition to the requirements of the new statute. One change gives me particular satisfaction: the rigorous efforts underway in each of our Appellate Division Departments to speed up appeals in this area so that the court process itself does not contribute to the delay in securing safe, permanent homes for children.

“Adoption Now”

The word collaboration brings to mind another successful joint effort, “Adoption Now.” In November, we marked the third anniversary of our unprecedented collaboration with the New York State Office of Children and Family Services and New York City Administration for Children’s Services. Together we have significantly reduced the number of freed children awaiting adoption—still far too many. Reflecting these efforts, for the second consecutive year, the State has received both an “Adoption Excellence” award and an “Adoption Incentive” payment from the Federal government.

In November, we marked another successful “Adoption Week,” with our beautiful new Family Court in Kings County designated a national site for the celebration. Apart from the numbers of completed adoptions, I take special joy in the fact that about half the children were over the age of nine, and that “Heart” galleries, providing wide public exposure to professional photographs of children in need of adoptive homes, sprang up in many locations, including Grand Central Station in New York City and the Empire State Plaza here in Albany. I am convinced that, if more wonderful New Yorkers knew about the immediately available children, they would consider adopting here rather than abroad. In 2004, Americans adopted 23,000 children from foreign nations. We have more than 4,000 freed children, awaiting adoption, right here in New York.

The Permanent Judicial Commission on Justice for Children

Collaboration, indeed, has been a theme in yet another effort for children. For the past fifteen years, I have chaired the Permanent Judicial Commission on Justice for Children, the nation’s only multi-disciplinary children’s commission based in the Judiciary. Our core mission is to improve the lives and life chances of children affected by court proceedings.

In December, we convened the Third Annual Sharing Success Conference, a two-day event the Commission co-hosted with the New York State Office of Children and Family Services. These conferences bring together county teams of judges, court staff and Department of Social Services staff to focus on improving foster care operations at the local level. Many of our best-practices courts that have proliferated around the State were born or nurtured at the Sharing Success conferences, and these courts now exist in Erie, Monroe, Oneida, Westchester, Dutchess, Nassau and all New York City counties. Inspired in part by the Sharing Success model, in September the National Center for State Courts convened a National Judicial Leadership Summit for the Protection of Children on the subject of foster care, inviting state-level teams of judges, court officials and social services commissioners and staff, which I was pleased to attend along with our "Adoption Now" team, including Executive Deputy OCFS Commissioner Larry Brown, ACS Commissioner John Mattingly, Administrative Judges Sharon Townsend and Joe Lauria, our counsel and Commission staff.

Additionally, the Commission's "Babies Can't Wait" project has been working to improve the prospects for infants in foster care, providing training on infant health and development to court and child welfare staff and a checklist called "Ensuring the Healthy Development of Infants in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals." As we seek to expedite permanency, we also know that many lifetime disabilities can be avoided by early medical attention while children are in our custody. First established in the Bronx in 2001, "Babies Can't Wait" has been expanded throughout New York City, in Erie, Nassau and Monroe Counties, and elsewhere around the country.

In 2005, we began a promising new venture with child development experts from the University of Rochester School of Medicine, who have agreed to operate our Children's Center in the Monroe County courthouse. This Center, like our 31 others around the State, provides quality child care for children of litigants, connects children and families with vital services, and conducts a literacy project that infuses the Center with a reading-enriched environment and the gift of a new book to every child. Now, with the help of these medical school collaborators, the Monroe Center can also provide the children with hearing, vision and developmental screening and refer them to Early Intervention programs and health providers. The potential for partnerships between the courts and universities is enormous, and in the year ahead the Commission will work to expand those partnerships, tapping the great higher education resources we have in our State.

Court-Appointed Special Advocates (CASA)

I conclude this Family Justice section of my report with a word about our Court-Appointed Special Advocates, better known as CASA. Indeed, I would consider it a great success if a caring New Yorker hearing or reading this report would volunteer to become a CASA. CASA volunteers—phenomenal members of the public—provide a vital

resource by reporting to the court on children and family needs, and monitoring compliance with orders in child abuse and neglect cases. Nearly 800 volunteers currently serve in CASA programs operating in 34 of New York's counties.

In 2004 I announced formation of a Task Force chaired by my former Court of Appeals colleague Howard Levine to recommend ways we might better support CASA programs Statewide. The Task Force has now responded with a proposal that enables CASA programs meeting specified qualifications to receive grants from the court system. I am pleased to say that the Task Force's excellent plan has been approved by the Administrative Board, and that we will now have a CASA Office within our Alternative Dispute Resolution unit. My hope, and expectation, is that this will enable CASA programs to flourish Statewide, in all 62 counties, providing additional help for our courts and our children.

CRIMINAL JUSTICE

IN THE AREA OF CRIMINAL JUSTICE AS WELL, OUR EFFORTS ARE FULLY FOCUSED ON WAYS, old and new, to facilitate the delivery of justice. Our criminal and family dockets together account for half of our caseloads.

COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES

I begin with the interim findings of the [Commission on the Future of Indigent Defense Services](#), co-chaired by the Honorable Burton Roberts, former Administrative Judge of Bronx County, and Professor William Hellerstein of Brooklyn Law School. While the Commission's final report awaits the completion of comprehensive data collection, it is not too soon to express our profound thanks to the distinguished members of the bench and bar who as members of this Commission have dedicated themselves to thinking, and rethinking, our system for providing the constitutionally guaranteed indigent defense.

Having studied published materials and gathered information from scores of knowledgeable witnesses, the Commission has convincingly concluded that the existing system needs overhaul—that it is indeed not a system at all but rather a “multiplicity of modalities, all of which are sanctioned by the statutory framework which New York State adopted in 1965 when it enacted Article 18-B of the County Law.” Tracing the history of the patchwork scheme—from its very outset lacking essential standards and uniformity—the report demonstrates the utter inadequacy of the plan. I have not seen the word “crisis” so often, or so uniformly, echoed by all of the sources, whether referring to the unavailability of counsel in Town and Village Courts, or the lack of uniform standards for determining eligibility, or the counties' efforts to safeguard county dollars, or the disparity with prosecutors, or the lack of attorney-client contact, or the particular implications for communities of color. One defender told the

Commission that as part of his contract with the locality he was directed to waive certain rights of his clients. Another told of being reprimanded for hiring an expert in a homicide case rather than relying on the prosecution's expert. Virtually all institutional defenders described excessive caseloads and a lack of resources like investigators or interpreters. Some could not even afford basic office supplies.

The Commission has outlined a State-funded system centered around an Indigent Defense Commission that will oversee the quality and delivery of indigent defense services. And it reached this recommendation unanimously. The Indigent Defense Commission would be a permanent body that appoints a Chief Defender for the State as well as regional defenders, who together would have day-to-day responsibility to ensure the delivery of quality defense services. The Indigent Defense Commission would determine whether existing defenders provide an appropriate level of service, or whether new regional defender offices should be established in particular parts of the State. All defender offices would be supervised by the Indigent Defense Commission, which will develop and enforce Statewide standards.

We eagerly await the final report, promised for Spring 2006—just around the corner—which will flesh out all of the findings and recommendations, and we hope we can move forward to redress a situation that cries out for reform.

FORUM ON MISDEMEANOR CRIMES

Ten years ago, half of the most frequently arraigned charges in New York City Criminal Court were felonies. Today, nine out of ten are misdemeanors. The costs of arrest, processing and incarceration in hundreds of thousands of misdemeanor cases each year take a tremendous toll on the justice system's limited resources. Numerous initiatives over the past decade have improved misdemeanor case processing, and have created an array of specialized courts—community courts, drug courts, mental health courts—that reduce recidivism and help non-violent offenders reclaim their lives.

One notable initiative has been the Bronx Criminal Division we opened in November 2004—combining operations of the Criminal Court and the Criminal Term of Supreme Court into a single streamlined court of criminal jurisdiction. Dispositions have significantly increased, reducing the number of court parts and eliminating duplicate services. More recently, we have added Bronx Community Solutions, affording greater sentencing options and links to services like drug treatment, job training and mental health counseling that can help these offenders break out of the vicious cycle of criminal behavior.

To see how we might do even better in handling misdemeanors, we are inviting representatives from Los Angeles and Chicago—two other American cities with a proliferation of misdemeanor offenses—to brainstorm with us about common challenges and opportunities for reform.

PROBATION

Probation, intimately tied to the work of the Judiciary, is intended to give offenders a second chance—to help them reclaim their lives and become productive citizens. As we have learned from our drug court programs, close monitoring can reduce recidivism. So can probation, with close monitoring of curfews, drug tests, community service and other release conditions. Offender accountability is the key: accountability for past mistakes; for keeping appointments with judges, probation officers and case workers; for keeping promises to do better.

Under current law, the State Division of Probation and Correctional Alternatives has a general supervisory role in this area. In actuality, however, New York's probation departments are operated and administered locally. Critically overburdened and under-financed, many probation agencies have too few officers, too few caseworkers and little modern technology to enforce probation conditions. And because resources vary from county to county, so does consistent enforcement of probation policies. The result is a widespread perception that, at least in some parts of New York State, probation loses precious opportunities to end the cycle of crime. While State operation of probation holds the promise of consistency across New York's 62 counties, questions also linger over whether local probation agencies should be in the Executive or the Judicial Branch. In New York, we've had both models. Which approach is better merits further study.

To address the issue of strengthening probation, I announce today a Task Force on the Future of Probation in New York State, led by former State Senator John R. Dunne, an outstanding Albany attorney who also served as Assistant Attorney General for Civil Rights in the U.S. Department of Justice. It is time for a new era of State responsibility for probation.

COLLATERAL CONSEQUENCES OF CRIMINAL CHARGES

In an effort to bring together law schools, the practicing bar and the Judiciary, last spring we initiated a program called "Partners in Justice." The idea was to convene an audience of judges, lawyers and clinical professors representing the State's 15 law schools around a subject of common interest. We are blessed to have a great facility—the New York State Judicial Institute, and a great Dean, former Judge Robert Keating—to nurture ideas such as this.

The subject selected for the first colloquium was Collateral Consequences of Criminal Charges, which include deportation, loss of voting rights, loss of licensure and employment, eviction from public housing, investigation for child abuse or neglect, and ineligibility for various governmental assistance benefits. These consequences are often not fully realized at the time of conviction, making it difficult for judges and practitioners to fully appreciate all the issues that might lie ahead. The Colloquium proceedings will be published in the upcoming issue of the *N.Y.U. Review of Law and Social Change*.

The collaborative model—indeed the Colloquium itself—has proved to be a huge success, leading to an innovative online resource called “[The Four Cs: Collateral Consequences of Criminal Charges](#),” which is being launched today. This site will have high-quality content—managed by experts in the major areas of New York law involving collateral consequences. The site was developed by law students from the Columbia Law School Lawyering in a Digital Age Clinic—Thomas Rosen and Alexander Swartz—under the guidance of Clinic supervisors Professor Conrad Johnson and Director of Educational Technology Brian Donnelly. They are here today, and they deserve our thanks.

The word “collaboration” reminds me as well that the New York State Bar Association is also conducting a high-level study, under the direction of Peter Sherwin and his Special Committee on Collateral Consequences of Criminal Proceedings, focused on this important issue. We very much look forward to their report, and—as we do in so many ways—to working together with the Bar Association.

I am delighted that our Judicial Institute, on the campus of Pace Law School in White Plains, continues to provide programs that assist judges and court staff on day-to-day matters as well as cutting-edge legal, ethical and scientific issues. A sampling of other programs scheduled for the months ahead includes “New Approaches to Handling Juvenile Sex Offender Cases” and “Enhancing Voter Participation in Judicial Elections,” as well as “The New York Listening Conference” that will bring together State, Federal and tribal court judges to explore issues related to New York’s Indian nations and tribes.

TWO TEN-YEAR SUCCESSES

INEXT HIGHLIGHT TWO INITIATIVES—ONE IN THE CRIMINAL AREA, THE OTHER CIVIL—that are this year marking a solid ten years of extraordinary performance. First is the Center for Court Innovation and the concept of problem-solving justice and second, the Commercial Division of the Supreme Court of the State of New York.

CENTER FOR COURT INNOVATION AND PROBLEM-SOLVING COURTS

This year marks the tenth anniversary of the Center for Court Innovation, a public-private partnership that works to promote new thinking about the delivery of justice today. In essence, the Center is the independent research and development arm of the New York State Courts. Given the breathtaking modern-day challenges, a good idea—don’t you agree?

In creating the Center, we essentially adapted a model from the private sector: we chose to make an ongoing investment in research and development, and we chose to shield these functions from the daily pressures of managing the courts. The results have been unmistakable: the Center for Court Innovation has helped keep New York at the

forefront of court reform for more than a decade. Over the years, the Center has played a leading role in building model projects, performing original research, training frontline staff and providing them with the tools and information they need. The Center's achievements include the first-ever book about problem-solving courts, *Good Courts: The Case for Problem-Solving Justice*.

While we were the first to recognize the value of an independent research and development arm, we are not the only ones. I'm proud to report that the Ford Foundation and Harvard's John F. Kennedy School of Government awarded the Center their Innovations in American Government Award, and later named it among the top 15 innovations in their award program history. The Citizens Budget Commission awarded the Center its Prize for Public Service Innovation. Visitors from more than four dozen countries have come to see the Center at work, and in recent months, officials in other states have announced their intention to adopt the Center for Court Innovation model. Pretty terrific.

I thought I'd spend just a few moments on initiatives that have been nurtured by the Center over the past decade.

Community Courts

I begin with the Midtown Community Court, New York's original problem-solving court, in a sense our first effort to take a different perspective on the swelling misdemeanor dockets. The first community court in the country, Midtown addresses low-level crime in and around Times Square by combining punishment with help. Individuals arrested for crimes such as vandalism and minor drug possession are sentenced to pay back the neighborhood through visible community service projects. They may also be mandated to receive on-site services, such as drug treatment, job training and counseling. The goal is to make justice more responsive to neighborhood concerns and halt revolving door justice, giving defendants the structure and support they need to get their lives on track.

To date, Midtown—presided over by one judge—has handled more than 190,000 cases. Thanks to the court's emphasis on prompt sentencing and rigorous monitoring, compliance with court orders exceeds the rate typically achieved by criminal courts. Most important, the impact of the court is felt on the streets of Midtown. Each year, the court contributes to the neighborhood when sentenced offenders paint over graffiti, sweep the streets and clean local parks. And independent evaluators have documented that Midtown's approach to justice has not only reduced local crime but also improved public attitudes toward government.

The Midtown Community Court is, moreover, constantly devising new programs to respond to changing conditions. The court, for example, is working with Common Ground, the Metropolitan Transportation Authority and the Times Square Alliance to offer intensive services to chronically homeless individuals engaged in low-level

criminal behavior on the streets and subways of Midtown. Offenders will be connected to long-term clinical and medical services as well as supportive housing.

In prostitution cases, we know from hard experience that defendants are all too often themselves victims of physical abuse. In an effort to get prostitutes off the streets, Midtown uses community-service sentences, one-on-one counseling and health education classes. Independent evaluators have documented significant reductions in local street prostitution since the court opened.

And with support from the Ford Foundation, Tiger Foundation and others, Midtown has created job training programs for ex-offenders and at-risk teenagers. Over the course of several months, the programs teach participants both job and life skills before connecting them to paying internships and job opportunities. Midtown's employment programs help more than 300 individuals each year, moving them from the welfare rolls to the job rolls.

Recently we learned that Police Commissioner William Bratton is attempting to replicate the Midtown Community Court in Los Angeles. Commissioner Bratton would be following in the footsteps of more than three dozen American cities and numerous foreign countries, including the United Kingdom, which successfully launched a community court in 2005.

Since the Midtown Community Court opened its doors in 1993, we not only have opened additional community courts around the State, but also have adapted some of its principles in a variety of other problem-solving courts.

Drug Courts

Drug courts are one example. The first drug court opened in Rochester in 1995, followed by several additional pilot projects, and a recommendation in 2000 by a blue-ribbon Commission on Drugs and the Courts that we expand these courts Statewide. Drug courts closely monitor the progress of participants in treatment programs, while providing access to a wide range of services. A 2003 study of six drug courts conducted by the Center for Court Innovation demonstrated that recidivism rates for drug court graduates are significantly reduced, saving lives of individuals and dollars for the State. We now have 164 drug courts operating in Family Court, criminal courts, juvenile courts, and Town and Village Courts, with more in the planning stages.

Mental Health Courts

Using our drug courts as a model, we began a Mental Health Court initiative, for cases in which mental health treatment is an alternative to incarceration. From a single New York State pilot project in 2002, we have expanded to nine. Here again, the benefits of this new approach to a chronic problem are evident, and there is now a movement to establish Mental Health Courts nationwide.

Domestic Violence Courts

Another problem-solving court example is our domestic violence courts, first opened in 1996, where the emphasis is on both protecting the victim, including providing access to services, and monitoring compliance with court orders. These courts typically have a dedicated judge, specially trained staff, a resource coordinator to provide services to the parties and on-site victim advocacy. The success of these courts inspired the development of Integrated Domestic Violence Courts, based on the “one-family/one-judge” concept—permitting a single judge to hear multiple cases involving the same family where domestic violence is an underlying issue. These cases otherwise would be heard in different courts, like Family Court for child custody or visitation, a criminal court for an assault, Supreme Court for a divorce. This approach promotes informed judicial decisionmaking, increases consistency in court orders, decreases the number of court appearances and, like our first Domestic Violence Courts, provides services to victims while ensuring offender accountability. We now have 28 IDV courts, essentially operating throughout the entire State.

Orders of Protection. Our intensified focus on the modern-day scourge of domestic violence in recent years has exposed inadequacies in procedures, and in laws, that we have been able to redress. I cite just one example of an issue of concern.

The Legislature recently increased the possible maximum duration of orders of protection issued by Family Courts. But in fact the most serious domestic violence cases are heard in our criminal courts. Currently, the maximum length of a final order of protection issued at sentencing—often just three years—is simply too short. This year, we will ask that sentencing judges be given authority to issue orders of protection that extend for longer periods of time in domestic violence and other criminal cases. Experience teaches us that the cycle of domestic violence often continues long after assailants leave prison, making all the more palpable the dangers of further violence and threats. We owe it to domestic violence victims, and the victims of other violent crimes, to provide the greatest possible assurance of their continuing safety.

THE COMMERCIAL DIVISION

The year 1995 was obviously a very good one for the New York State courts: it witnessed not only the birth of the Center for Court Innovation but also the opening of the Commercial Division of the Supreme Court of the State of New York. We celebrate both our advance into the 21st century with courts equal to the needs of the world’s financial capital, and the fact that the Commercial Division has from gestation through its first decade been a collaboration with the Bar. Indeed, the New York State Bar Association marked the anniversary with a glorious celebration at Lincoln Center in New York City, and bestowed its coveted Stanley Fuld Award on the entire Commercial Division bench, past and present. That the practicing Bar of the State—the most skilled in the world—praises and honors all the spectacular judges of the

Commercial Division speaks volumes, doesn't it? I have only three things to add. First, the court system's anniversary gift to our users is adoption of Commercial Division rules, making practices and procedures clear and uniform throughout the State. Second, the Commercial Division continues to point the way toward more efficient case processing generally—the move toward e-filing being just one example. We will continue to look to, and shamelessly steal, new ideas from the Commercial Division for the overall good of the court system.

And third—finally—we this year began a series of focus groups to identify areas in which the Commercial Division might be even further improved. Three focus group sessions have already been held—in New York County, Nassau County (for the Nassau, Suffolk, Kings and Westchester Divisions), and in Monroe County (for the Seventh Judicial District and Erie County)—with more ahead. Facilitated by New York City attorney Robert Haig, each focus group brings together 18 to 20 commercial litigators, corporate counsel and judges, and covers a wide range of topics. We will soon issue a report on the results of these focus groups, identifying new ideas, gaps in service that we can fill and features of the Division that successfully can be applied to other types of litigation.

This is yet another example of the leadership of the Commercial Division. The focus groups have been so successful—corporate executives and counsel have told us how greatly they appreciate the opportunity, in an informal setting, to express views and offer ideas—that we intend to convene groups on other issues, starting soon with the subject of undue litigation delays.

FIDUCIARIES

PUBLIC ADMINISTRATOR AND COUNSEL

REFERENCE TO UNDUE DELAY LEADS TO ANOTHER CIVIL JUSTICE SUBJECT that has haunted us: irregularities in the administration of estates.

Last year, the Commission on Fiduciary Appointments, chaired by Manhattan attorney Sheila Birnbaum, released its second report, much of which focused on New York's system for administering intestate estates, particularly the role of counsel to the Public Administrator. The Public Administrator is appointed by the Surrogate to administer the estates of citizens who leave no will, and whose heirs are unwilling or unable to administer the estate. The Surrogate also selects counsel to the Public Administrator to provide necessary legal services to these estates. Although most estates are modest, occasionally in more populous counties counsel fees can run into the hundreds of thousands of dollars annually.

After extensive inquiry, the Birnbaum Commission found that the process for selecting and compensating counsel to the Public Administrator needs strengthening,

and it found frequent instances of close ties between Surrogates and persons appointed as Public Administrator or counsel. Based on the Birnbaum Commission's recommendations, the Administrative Board of the Courts has just approved a series of measures to address these issues.

First, the disqualification provisions of the Part 36 Fiduciary Rules will now apply to the Public Administrator and counsel. By disqualifying persons who have political, personal or business connections to the Surrogate, we assure the public that these fiduciaries are being appointed on the basis of merit. Second, awards of counsel fees over a certain amount will have to be publicly reported. If the Surrogate departs from the schedule for fee awards, a written statement of reasons and the counsel's affidavit of legal services must be made available on the Internet for public review. These requirements will bring sunlight to this area and enable interested parties to monitor compensation. A third rule will require Surrogates to provide regular reports on the performance of the Public Administrator and counsel. The goal is to promote more active judicial oversight and ensure that the Surrogates take greater responsibility for the effective performance of these important fiduciaries.

Finally, we are sending the Legislature a proposal to mandate that fee schedules promulgated under Surrogate's Court Procedure Act Section 1128 be binding on the Surrogates, while preserving the Surrogates' discretion to award higher legal fees in limited circumstances upon a showing of good cause. Needless to say, effective oversight is critical to a system charged with administering thousands of estates that lack interested parties. Thanks to the work of the Birnbaum Commission, we can now expect to see improvement in both the accountability and the quality of the system charged with administering intestate estates.

OFFICE OF THE PUBLIC GUARDIAN

Judges appoint fiduciaries in Article 81 guardianship proceedings to protect our most vulnerable citizens—people who are unable to care for their own personal needs and property. Over the past five years, we have made enormous efforts to ensure that the public's confidence in our courts is supported by fiduciary appointments based on merit. These efforts have resulted in the registration of fiduciaries, restrictions on their fees, limitations on eligibility for fiduciary appointments and the ability to remove fiduciaries from the approved list for cause. The Office of Guardian and Fiduciary Service now provides advice and education through its [Web-site](#) and outreach services. Moreover, throughout the State, judges handling Article 81 guardianship proceedings participate in a Best Practices Committee. And data on all appointments and compensation is now available to the public. In short, major strides have been made to ensure that the selection of fiduciaries is based on objective, publicly available information.

A key issue still unresolved is the availability of guardians in Article 81 proceedings for individuals who have no family or friends and little in the way of assets. Often, judges cannot identify anyone to act as guardian in those cases. In a pilot guardianship project established last year in Kings County, the Vera Institute of Justice—with social workers, accountants and attorneys on staff—now provides a wide range of services to incapacitated persons, especially those without resources.

To further meet this need, we will later this year pilot an Office of the Public Guardian to assist in proceedings in which an appropriate guardian cannot be identified or resources are insufficient to pay for a private guardian. The Office will provide education and support and continue to identify not-for-profit organizations to obtain their services as guardian. The Office will also incorporate the benefits of the Model Guardianship Part, which recently began operations in Suffolk County, including volunteer monitoring and coordination of social services benefits. We believe that the Office of the Public Guardian—among the first court-annexed guardianship programs in the country—will offer judges a meaningful alternative for the assignment of fiduciaries to this important position of trust.

I conclude this section of my report by once again heartily thanking the extraordinary members of the Birnbaum Commission for their assiduous efforts. They have truly enabled us to change a culture. It continues to amaze me that, busy as all the Birnbaum Commission members are, they nonetheless asked to remain on after submission of their initial report to address yet one more issue, and once again they have done it all efficiently and superbly.

Which leads me to pause in this report to congratulate and thank all the many wonderful people who have given so generously of their time to chair and to serve on our many Commissions, Committees and Task Forces. Starting with the first Matrimonial Committee (chaired by former Judge E. Leo Milonas) and the Jury Project (chaired by now-United States District Judge Colleen McMahan), hundreds of judges, lawyers and members of the public have contributed their time and very best efforts. The New York State Bar in particular has been our vital partner in all these projects. The benefit to the court system plainly has been immense.

COMMISSION TO EXAMINE SOLO AND SMALL FIRM PRACTICE

THE MOST RECENT REPORT WE HAVE RECEIVED IS FROM THE COMMISSION to Examine Solo and Small Firm Practice, [which is being released today](#) and is chock-full of great suggestions for us to study. The Commission's recommendations—from modifying calendaring and docketing practices, to making better use of court technology, to strengthening lawyer professionalism and law office economics—would enable solo and small firm practitioners to practice law more productively and

effectively. Thank you, June Castellano, and your terrific Commission members. For solo practitioners and members of firms with fewer than ten attorneys, we know that time away from the office has been a special sacrifice, but your perspective is a unique, necessary and most welcome one.

TWO ENDURING CONCERNS

FROM THE FIRST TO THE VERY LAST OF MY TERM, two subjects are of transcendent concern: pro bono legal services for the poor, and our jury system.

PRO BONO AND ACCESS TO JUSTICE

In 2006, we will work toward reducing the gap in the availability of legal services for the poor by going local. Our new Statewide initiative is a grassroots effort that partners the bench, bar, legal educators, legal services providers and advocates for the poor on Local Pro Bono Action Committees functioning in every Judicial District.

The Local Committees will be charged with assessing immediate unmet legal needs and available resources to meet those needs, in order to devise realistic pro bono plans. The range of possibilities is broad, including court-based programs and targeted activities for the numerous “untapped” attorney resources, such as in-house, transactional and commercial attorneys, government attorneys, and law school students and faculty. We anticipate that by Spring, the Local Committees will have been formed and completed their initial assessments.

The current work of three Local Action Committees will serve as leadership models: the Fifth, Eighth and Ninth Judicial Districts Pro Bono Action Committees.

The Fifth Judicial District Committee, chaired by Administrative Judge James Tormey and Robert J. Smith, Esq., has been operating since May 2005. The Committee has developed an ambitious plan that focuses on recruitment, retention and recognition strategies. The Committee believes that it can increase attorney involvement by 300 to 500 attorneys through its targeted activities, which include District-wide “Best Practices” educational seminars, CLE credit and a law student project with Syracuse Law School.

In the Eighth Judicial District, the Local Committee is chaired by Administrative Judge Sharon Townsend and attorney Kenneth Manning, and in the Ninth Judicial District by Administrative Judge Francis Nicolai, assisted by Westchester County Surrogate Anthony Scarpino, and attorney Erin Noelle Guven. Both committees are expected to complete their plans shortly. In New York City, to provide inter-borough coordination of the available attorneys and legal services to address the enormous diversity of unmet needs, Administrative Judge Fern Fisher will act as City-wide Coordinating Chair, with a Local Committee in each borough co-chaired by a judge and prominent attorney.

Given the severity of need in family law and matrimonial matters, Committees are being asked to consider including a pro bono matrimonial panel in their plans, and Deputy Chief Administrative Judge for Justice Initiatives Juanita Bing Newton and Statewide Administrative Judge for Matrimonial Matters Jacqueline Silbermann are jointly developing a Statewide training model on how to handle uncontested divorces, using a newly designed, user-friendly matrimonial packet. The Local Action Committees will also foster partnerships with law schools to enhance pro bono programs for law students, not only to increase available legal resources but also to help instill in new lawyers the importance and benefits of pro bono service.

In addition to the overall goal of substantially increasing pro bono services, the Local Committee efforts will include identifying methodologies to measure and address specific local legal needs; establishing a baseline for measuring the amount of pro bono being performed; designing a better system for directing attorneys to areas of need; and developing a platform for expanded pro bono service.

Self-Represented Litigants

As we try to increase the availability of pro bono services, we remain committed to providing assistance to those litigants who represent themselves—whether by necessity or choice. Judge Juanita Bing Newton’s Office of Justice Initiatives recently completed [surveys of Self-Represented litigants in New York City Family and Housing Courts, as well as in Town and Village Courts](#), which will help guide future efforts. In addition, her Office is co-sponsoring—with the Delaware Judiciary, Maryland Judiciary, Superior Court of the District of Columbia, Legal Services Corporation and American Judicature Society—a regional conference to explore ways of enhancing services in the courts and community to assist self-represented litigants.

Interpreters

Access to justice also means that language barriers should not deny litigants meaningful participation in proceedings. We currently offer translation services in more than one hundred languages. But we are now beginning a comprehensive program to see how we might do better, by reviewing every aspect of court interpreting—from recruiting and training of interpreters, to implementing systems for quick and proper matching of needs and resources, to making the public aware of these services and how to utilize them.

CONTINUING JURY REFORM

Throughout the past thirteen years, jury reform has remained high on my agenda. An effective jury system, after all, is essential to our courts. Additionally, some 650,000 citizens annually are called as prospective jurors, for many their only firsthand encounter with the courts. Why not show each of them a court system operating

optimally, and thereby win their trust and confidence in the justice system? And finally, we have vast amounts of impressive research and experience at our fingertips, about how people learn and communicate, about changed expectations of jurors today, and about jury reform in other states. We should put it to good use.

Always we have had a jury initiative in place, from the first Jury Project in 1993, to the Grand Jury Project, Civil Voir Dire Study, the Committee of Lawyers to Enhance the Juror Process and the Commission on the Jury. And while we surely have progressed, still work remains to be done. Most notably, in the past year (under the direction of attorney Mark Zauderer) we conducted a series of dialogues in courthouses across the State, largely involving students. We are working on dozens of initiatives to make our jury system more juror-friendly—for example, automatic postponement on the Web, an even more simplified summons, reduced grand jury terms and a new grand jurors' handbook. And we have a Model Jury Pilot Project in Queens County, which has been moving briskly ahead on implementing the recommendations of the 2004 Report of the Commission on the Jury.

As anticipated, our Jury Trial Project—a group of 51 judges who experimented with innovative trial practice—issued its report in April, recommending that trial judges throughout the State permit jurors to take notes, allow jurors to submit written questions, and provide jurors with jury instructions in writing. To encourage more judges to try these and other practices aimed at improving juror comprehension, the Jury Trial Project has produced a practical guide called *Jury Trial Innovations in New York State: Enhancing the Trial Process for All Participants*, which has been distributed to all judges and bar organizations throughout the State.

POTENTIAL REGRETS

I'VE LABELED THIS SECTION POTENTIAL REGRETS, BUT THE FACT IS I intend to have no regrets. And to that end, I am turning immediately to two subjects that have tormented me all my years as Chief Judge, with the resolve that steps taken now will make a real difference. The first is public outreach, and the second is restructuring.

PUBLIC OUTREACH

A gnawing concern has been what I perceive as a lack of public knowledge and understanding of the courts. Respect for the law depends on public confidence in the integrity of the justice system, yet we know that trust in public and private institutions in the United States has been declining since the 1960's. New Yorkers' own firsthand encounters with the courts tend to be brief and sporadic—a traffic court or small claims appearance, perhaps a jury summons, not among life's most cherished moments. Depictions of the courts and lawyers in pop culture and the media often serve to

reinforce negative views. We deserve better, and I believe that the court system's leadership here can make a real difference.

Using the model of our successful Center for Court Innovation, we will be developing a Center for Courts and the Community, a nonprofit public-private partnership that will focus like a laser beam both on fortifying educational partnerships for schoolchildren and adults, and on establishing programs to inform and facilitate the work of the media. We are well aware of tremendous ongoing efforts in these areas in New York State and all across America, and of State Bar President Vincent Buzard's special interest, and work, in improving public understanding of the legal system. Our intention is to learn about and build on these great efforts.

RESTRUCTURING

Since 1993 I have urged simplifying the archaic structure of New York's courts, by far the most complex in America. Supreme Court and Family Court, Surrogate's Court and the Court of Claims, superior criminal courts and local criminal courts—time and time again, whether the issue is matrimonials, or indigent defense, or simple efficiency, we have seen that jurisdictional barriers among New York's trial courts fragment related cases, risk inconsistent judgments, discourage effective outcomes, encourage costly litigation, and confuse litigants and lawyers. We have had some notable operational successes, such as the Integrated Domestic Violence Courts and the Bronx Criminal Division. Despite these heroic efforts to work around the problems, however, there is no escaping the conclusion that our court structure is in need of repair.

I am discouraged, but not deterred, by the fact that my perennial call for this reform remains unheeded. Indeed, 2006 marks a full century since Dean Roscoe Pound's historic speech to the American Bar Association, calling for states to unify their trial courts for the sake of efficiency and substantive justice. Over the last century, other states have heeded that call. In 1962, New York took the modest step of merging and unifying some of its courts, principally in New York City. But eleven trial courts is still a far cry from what Dean Pound envisioned when he urged unification, and a far cry from what Chief Judge Charles Breitel urged in 1974 when he joined that call.

Ensuring accountability, better protecting crime victims, reducing recidivism, reducing costs, making our courts more efficient, accessible and understandable—I have come to see more than ever before that without change in court structure, these benefits will continue to elude our State. Given the frustrations we've experienced in getting court reform off the ground, I'm convinced that it's time for a new approach. I wondered: how did they do it back in 1962? That effort, as I learned, was actually inspired by the work of a commission set up in the mid-1950s, chaired by New York attorney Harrison Tweed, that studied the need for structural court reform and modernization of New York's procedural codes.

Recognizing the success of the Tweed Commission, and the successes we have had in the last decade with our commissions, I will be forming a Special Commission on the Future of the New York State Courts to pick up where the Tweed Commission left off. Harnessing the expertise of the most respected lawyers, jurists and community leaders, this Commission will assess, candidly and without reservation, the effectiveness of our current structure, the need for reform, and whether our procedural codes—all of them now thirty or more years old—need streamlining as well.

The Commission will be asked to look at systems across the nation for ideas, and to propose a court structure that is free of barriers that force the unnecessary fragmentation of courts and cases, that is user-friendly, has the benefits of both specialization and simplicity and that is accessible to all New Yorkers; and to suggest procedures that complement such a streamlined system. That is a mighty task I know, but truly an important one for the future of our courts and justice system.

CONCLUSION

NOW HAVING REACHED THE CONCLUSION OF MY MESSAGE, I should disclose my vantage point in preparing it. In giving you this overview, I was flying low over the court system, about a thousand feet off the ground. Were I at ground level, this report would be many times longer. There are hundreds of operational initiatives, in every corner of our court system—upgrading City Court judgeships; implementing a credit card payment system for fees, fines and surcharges; a court information telephone and Web system modeled on New York City’s successful 311; new and upgraded court facilities throughout the State; a comprehensive assessment of courthouse security; and on and on.

Whether at ground level or a thousand feet above, I would say that the State of the New York State Judiciary is good. With the improvements noted in this report, it would be even better. The goals of solid performance and sound innovation have been the guideposts of the past thirteen years, and they will continue to motivate us in the year ahead. Thank you all for your interest, your support and your assistance.

JUDITH S. KAYE
Chief Judge of the State of New York

February 6, 2006