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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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Associate Judges *of the* Court of Appeals

**GEORGE BUNDY SMITH**

*Through September 23, 2006*

**CARMEN BEAUCHAMP CIPARICK**

**VICTORIA A. GRAFFEO**

**SUSAN PHILLIPS READ**

**ALBERT M. ROSENBLATT**

*Through December 31, 2006*

**ROBERT S. SMITH**

**EUGENE F. PIGOTT, JR.**

*Since September 24, 2006*

**THEODORE T. JONES**

*Since February 12, 2007*

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Presiding Justices *of the* Appellate Division \*

**JOHN T. BUCKLEY**

*Through December 31, 2006*

**PETER TOM**

*Acting Presiding Justice Since January 1, 2007*

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**A. GAIL PRUDENTI**

SECOND DEPARTMENT

**ANTHONY V. CARDONA**

THIRD DEPARTMENT

**EUGENE F. PIGOTT, JR.**

*Through September 23, 2006*

**HENRY J. SCUDDER**

*Since November 17, 2006*

FOURTH DEPARTMENT

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\* *The Chief Judge of the State and the Presiding Justices constitute the Administrative Board of the Courts.*

**JUDITH S. KAYE**  
Chief Judge *of the* State of New York  
Chief Judge *of the* Court of Appeals

**JONATHAN LIPPMAN**  
Chief Administrative Judge *of the* Courts

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JUDITH S. KAYE

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# THE STATE *of the* JUDICIARY 2007

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JUDITH S. KAYE

## INTRODUCTION

**T**O BEGIN ON A NOTE OF COMPLETE CANDOR—SURELY THE ONLY WAY TO BEGIN—I had anticipated last year, when we selected this atypical out-of-Court-of-Appeals-Session date for the State of the Judiciary, that this would be my last, the conclusion of a fourteen-year term in what has to be the greatest office anyone on Earth could be privileged to hold. Profound thanks to Governor Spitzer—hopefully, profound thanks as well to the New York State Senate—for extending the privilege, more accurately the *opportunity*, to work alongside the judges and staff of the Court of Appeals, our Presiding Justices, the Chief Administrative Judge, the judges and staff of the Unified Court System, and our partners in government and the bar, to assure that, in New York, the noble ideal of justice remains a reality.

I learned only recently that I will be the first New York State Chief Judge to complete the constitutional term of office. I'm glad I didn't know back in 1993 that no Chief Judge before me had completed his full term; that sounds so ominous. Now to have the possibility of additional precious days, weeks, months in office multiplies not only my gratitude but also my commitment to see that our needs and the needs of the public we serve are fully realized.

## THE JUDICIARY AND THE JUDICIAL SYSTEM

### JUDICIAL SALARIES

Fourteen years ago, I imagined that the last State of the Judiciary message of my term would be one of reflection and praise for the New York State courts. While I still feel reflective and complimentary, I had not imagined that I would be compelled to begin by seeking “justice for judges.”

The fact is, I even considered following the lead of United States Chief Justice John Roberts, limiting my 2007 message entirely to state judicial salaries, which are at an even more critical point than federal salaries. Instead, I have chosen to move the subject to Page One—up from Page Two in my 2006 address. The all-too-familiar, regrettable refrain now reaches fever pitch.

Without question, the New York State courts are among the busiest and most productive in the nation. Yet judicial salaries remain frozen in time in 1999, when for a moment in recent history we achieved parity with our federal colleagues. But the salaries of federal judges—in Justice Roberts' view dramatically eroded and grievously unfair—are now, owing to COLA increases they received and we did not, a full twenty-three percent ahead of our state judges. We've sunk to the bottom rung when compared to other large states, and there's no point even mentioning starting associate salaries in New York City law firms.

Why do salaries for our 1,300 state-paid judges matter so much? Our judges know that public service is a privilege that demands sacrifices. Lawyers at the pinnacle of their careers don't become judges to get rich. But by any fair measure, we long ago passed the point at which this sacrifice became unreasonable, threatening the excellence of the state bench. New Yorkers want, and deserve, a judiciary that continues to attract and keep the very best lawyers, in turn assuring the quality of justice that they receive in our courts.

So what do we do? Under our system of government, we are necessarily dependent on the Governor and the Legislature for increases in compensation. We are delighted that Governor Spitzer has taken the bold step of proposing as part of his State Budget submission for the coming fiscal year an Article VII bill that includes a judicial salary increase, reflecting his strong support for all the key elements of our salary proposal, including pay parity between Federal District Court Judges and Supreme Court Justices, progress toward pay parity within the State Judiciary and retroactivity to April 1, 2005.

If our current plight proves anything it's that we need to put an end to a system that requires our judges, every five, or six, or seven, or eight, or soon nine years, hat in hand, on bended knee, to beg and plead even for cost-of-living increases. I have never known the frustration, or the despair, that I now see among my colleagues—and understandably so. They are demoralized not only by the inaction on our compensation, which would be bad enough, but also by the fact that our interests are used to promote other agendas in Albany. Wrong. Wrong. Wrong.

We need the raises, but plainly we also need a better method—a commission system for determining pay increases. It is simply inappropriate to require our judges to campaign and to litigate for equitable compensation. It is the ultimate assault on judicial independence.

We are heartened that the Governor supports the concept of a quadrennial commission system. Our proposal establishes a temporary state commission in 2007 to prescribe annual salary adjustments for judges, Executive Branch officials and legislators for the four years following its establishment. The increases would go into effect each year unless abrogated or modified by the Legislature. Our proposal also calls for a series of quadrennial commissions, beginning April 1, 2011, with each

commission responsible for evaluating pay scales for officials in all three Branches as well as determining whether the prevailing COLA should be adjusted or eliminated in any of the ensuing four years. We will today submit the legislation to make our proposal a reality, and strenuously urge its adoption into law.

The system we propose is fair, simple and transparent. It lets the public know ahead of time how much the salaries of high-level government officials will increase over the next several years. If economic conditions change and make the prescribed COLAs inappropriate, the Legislature can eliminate or modify them in any given year. We believe this proposal embodies precisely the kind of responsible, rational approach to setting the compensation of high-level public officials that New York State desperately needs.

Just behind our top priority issue—judicial compensation —this will be a year of intense focus on three other “internal” subjects: court structure, judicial selection, and town and village justice courts.

#### SPECIAL COMMISSION ON THE FUTURE OF NEW YORK STATE COURTS

Last year, I announced a Special Commission on the Future of the New York State Courts to study our court structure and devise a blueprint for reform that would better ensure accountability, better protect crime victims, reduce recidivism, reduce costs and make our courts more efficient, accessible and understandable. I am grateful to Carey R. Dunne, Esq., of Davis Polk & Wardwell, for taking leadership of that distinguished group of former legislators, academics, practicing lawyers, representatives of the business community, and fourteen current and former judges, including former members of the Court of Appeals. In barely seven months, they have produced a truly remarkable document ([www.nycourts.gov/reports/courtsys-4future\\_2007.pdf](http://www.nycourts.gov/reports/courtsys-4future_2007.pdf)) that I hope finally will trigger the reform every Chief Judge in modern times has advocated.

The Commission studied the extensive, largely fruitless prior reform efforts in New York; examined comparable systems; analyzed data on filings and productivity; conducted a financial analysis of the impact of potential reform; and consulted with a wide range of individuals across the State. According to the report, New York’s current court structure is the most archaic and bizarrely convoluted court structure in the nation. The report recounts the frustration litigants encounter by reason of our splintered court structure, including injured plaintiffs, children and families in crisis, municipalities, state agencies, and large and small businesses of every sort. We are prevented from efficiently managing cases in ways that would be natural for every efficient business organization, with the practical effect that too many litigants and witnesses waste countless hours making redundant appearances, filing unnecessary papers and suffering unnecessary delays. The bottom line is lost wages, lost productivity

and higher costs. In fact, the Commission worked with economists and the nonpartisan National Center for State Courts to ascertain that merging our trial courts would save New York and its economy hundreds of millions of dollars a year.

I am pleased that the Commission reviewed some of our ongoing administrative innovations and concluded that these reforms, which have been achieved in the face of structural and jurisdictional obstacles, demonstrate how much more productive the entire system could be if such efficiencies were instituted statewide. It's time to make them the rule, not the exception.

The Commission has prepared a constitutional amendment, which we have submitted to the Legislature and to the Governor. It calls for consolidation of the State's major trial courts into a simple two-tier structure: a Supreme Court and a District Court. The current Supreme Court, Court of Claims, County Courts, Family Courts and Surrogate's Courts would become one Supreme Court, with six Divisions: Family, Commercial, Public Claims, Criminal, Probate and General. The new District Court would include the current Civil and Criminal Courts in New York City, the Nassau and Suffolk District Courts, and the sixty-one City Courts outside New York City. The proposal includes a Fifth Department of the Appellate Division, and expansion of the pool of judges eligible for the Appellate Division; and it ends the constitutional cap on the number of Supreme Court judgeships that can be created by the Legislature.

I commend Governor Spitzer for making court restructuring a priority in his State of the State message, and I urge that we seize this opportunity finally to bring the Judiciary Article of the New York State Constitution into the twenty-first century.

## **PROMOTING PUBLIC TRUST AND CONFIDENCE IN JUDICIAL ELECTIONS: A FOLLOW-UP**

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Among the pressing challenges facing New York is the federal court directive to fashion a new system for selecting Supreme Court Justices. Daunting, yes, but the federal declaration that our current convention system is unconstitutional presents another opportunity for positive change. Although the United States Supreme Court last week granted certiorari in the *Lopez Torres* case, casting further doubt on our future path in this regard, the challenge remains the same. Can we design a system that balances the rights of voters and candidates with the vital interests in preserving the independence, integrity, diversity and quality of Supreme Court Justices in a state as unique as New York?

I believe that our Commission to Promote Public Confidence in Judicial Elections (chaired by Dean John Feerick) pointed the way to excellent reform of the elective process, recommending certain changes in our convention system but concluding that,

absent public financing, the alternative of open primaries poses a grave risk of partisan campaign spending that can only damage public confidence in the Judiciary. We have seen glaring examples in other states.

The Feerick Commission also recommended independent qualification commissions as a part of the overall solution. However candidates arrive on the ballot, voters should know that each choice has been found qualified by independent evaluators. Earlier this month, Chief Administrative Judge Lippman and I announced the appointment of first-rate qualification commissions in every Judicial District of the State. These commissions, consisting of local lawyers and members of the public appointed by the Presiding Justices, the Chief Judge, and the State and local bar associations, will screen candidates for election beginning in April, so that the process can be complete before candidates have to go on the ballot. A published list of candidates found qualified will be provided to the media and made available in voter guides.

While I am pleased that we were able to establish these commissions by court rule, I continue to believe that they would be most effective if created by legislation that represents the imprimatur of all three branches of government. Such commissions would, of course, supplant ours. I certainly would welcome working with our partners in government to create a qualification commissions framework. By letting the voters know which candidates were found qualified to serve on the bench, we promote more informed participation and increase public trust in the judicial election process.

The current status of the *Lopez Torres* appeal should not deter continued efforts to resolve the difficult issues that case presents. Rather, we should use it as an opportunity to forge consensus on a more open and transparent candidate selection system that promotes both meaningful voter participation and a high quality elected bench.

A second important initiative recommended by the Feerick Commission is our now-flourishing Judicial Campaign Ethics Center, the first of its kind in the nation. The Center has since 2004 served as a central resource on judicial campaign ethics, offering rapid, reliable advice to candidates in the course of fast-paced campaigns and campaign ethics training through live and simulcast sessions. The Center's web site ([www.nycourts.gov/ip/jcec](http://www.nycourts.gov/ip/jcec)) includes a Judicial Campaign Ethics Handbook, links to the Rules Governing Judicial Conduct and searchable campaign-related opinions of the Advisory Committee on Judicial Ethics. In 2005 and 2006, the Center spearheaded statewide online voter guides with profiles of each candidate and general information about the courts.

Whatever the ultimate outcome on the convention issue, I believe the screening commissions and Campaign Ethics Center are a significant advance in our system for electing the very best judges.



## TOWN AND VILLAGE JUSTICE COURTS

Our judiciary, of course, includes not only state-paid courts but also 1,277 locally administered Town and Village Justice Courts and their nearly 2,000 locally selected justices. Justice Courts hear millions of cases every year, including civil matters where the amount in issue is no more than \$3,000, criminal arraignments, misdemeanors, traffic infractions and other violations.

New York's system of local courts—constitutionally part of the Unified Court System—predates our first State Constitution in 1777. For New Yorkers in remote communities, local Justice Courts may be the only courts that are readily accessible. While many Justice Courts admirably do justice as fitting partners of the state-financed courts, admittedly others lack proper court records and case management methods, trained staff, fiscal control systems, even proper courtrooms. The tools and procedures that litigants in other courts take for granted to protect their rights may too often be lacking in some Justice Courts. But reforming Justice Courts also poses a formidable challenge for the Unified Court System. By law, operational authority for those courts is largely delegated to the sponsoring localities, which reap significant financial benefit from them.

Nonetheless, we have after careful study produced, and are implementing, an [Action Plan for the Justice Courts](#). This milestone in the State's relationship with the Justice Courts calls for collaboration with towns and villages, as well as the support of the Executive and Legislative Branches.

For starters—adopting recommendations of our Indigent Defense Commission that Justice Courts electronically record all proceedings relating to felonies, misdemeanors and violations—we will provide every Justice Court with a recording system to assure accurate case records on which sound administration and meaningful appeals depend. We will enlarge the system for training Justices and staff, to see they have the tools they need to properly manage their courts; and we will take steps to assure that Justice Courts protect the rights of indigent parties and those not fluent in English. We will conduct a full security assessment of every Justice Court to help localities meet their responsibility to provide safe court facilities, and we will increase funding for the Justice Court Assistance Program so that localities can make critical facility and security investments. Additionally, we have appointed Supervising Judges for the Justice Courts to serve as our conduit with the localities, and to oversee implementation of the Action Plan.

To get the Action Plan moving immediately, this year's proposed Judiciary Budget includes a ten million dollar down payment we would make. I have every hope that our partners in government share our vision and will provide the additional funding obviously required to complete the task.

Our Action Plan and budget request are, however, only a first step, as legislation plainly is needed to help streamline the Justice Courts. Some measures, such as making the State, rather than localities, responsible for training and related costs, are critical to insure that Justice Courts meet uniform standards. Another proposed measure would provide the Chief Administrative Judge with greater flexibility in making temporary assignments to avoid docket delays.

Perhaps the most promising idea just now comes from the Commission on the Future of the Courts, which expressed deep concern about the Justice Courts and the people who come before them. The Commission concluded that the issues are sufficiently complex to merit more intensive study and asked that we extend their term so that they can complete a fuller evaluation. My answer: Go for it! Meanwhile, we can and will take a giant step forward on our own with our Action Plan, imposing recording requirements, new training and supervision.

## FAMILY JUSTICE

**I**TURN FROM VITAL SUBJECTS INTERNAL TO OUR JUDICIAL SYSTEM TO MATTERS AFFECTING CHILDREN AND FAMILIES IN OUR COURTS. Family matters rank very high on my list of vexing, frustrating, seemingly insoluble issues—whether child-related issues, domestic violence cases or matrimonials. All together they represent almost a quarter of our dockets.

As of last count, there are 27,364 children in foster care in New York State. On the one hand, that's about half the number we had a decade ago. On the other hand, that's about the size of entire cities like Ithaca, Kingston, Watertown. These children are technically in the care of the State—that's all of us. The simple truth is that helping families and children in crisis, assuring a better life for them, translates into better courts and a better life for all of society. It's not just their future, it's ours too.

## CHILDREN AND YOUTH AT RISK

Among the greatest discoveries in my life as Chief Judge have been the wonderful people who devote their lives to these children and these issues—starting of course with our judges and staff, but joining hands across disciplines for greater effectiveness. We have many excellent examples of what we can accomplish when we work together, most recently New York's success in passing a rigorous federal audit, which could have cost the State tens of millions of dollars in lost federal funding. The vital role the courts played in achieving the happy result has been acknowledged both by the Department

of Health and Human Services and by the Office of Children and Family Services, thanks I especially pass along to Deputy Chief Administrative Judge Jan Plumadore.

### *Joint Initiatives*

One of our joint initiatives we actually call Sharing Success—an annual event that has become part of the culture of the courts and social services in New York. For the fourth consecutive year, last September we brought together county teams of judges, lawyers and social services officials—hundreds of participants—to devise and jumpstart new local initiatives on foster care. We unveiled a new tool called [“The Child in Child Welfare and the Courts: New York State Court and Child Welfare Data Book 2006,”](#) a county-specific data book with vital court and child welfare information for every one of New York’s sixty-two counties, prepared by the Permanent Judicial Commission on Justice for Children in collaboration with the court system, the State Office of Children and Family Services, and the Council on Children and Families. Mention of the Permanent Judicial Commission on Justice For Children, which I have chaired for sixteen years, reminds me that I would like to introduce our new Executive Director—Kathleen DeCataldo—and to note that the Commission will be enlarging its focus from health issues and children from birth to age three, to education and adolescents, especially the thousands each year who age out of foster care and are consigned to what we call “independent living” at age eighteen, nineteen, twenty or twenty-one. Honestly, what do we expect will become of these children? How many of these young New Yorkers will soon be homeless, unemployed, imprisoned? Kathleen will tell us.

The Sharing Success conferences symbolize the partnership that has been forged between the courts and child welfare agencies for systemic reform. These collaborations have enabled us to achieve what none of us could accomplish alone, including passage of a comprehensive Permanency Act; joint trainings, collaborative forms and rules to ensure the full implementation of that law; reduction in the number of children in foster care by more than half, and a significant increase in adoptions of freed children.

Adoption Now is a partnership we began in 2003 with the State Office of Children and Family Services and the New York City Administration for Children’s Services. Now, the case of every single freed child in New York is conferenced at least twice a year by a joint review panel of court staff, state staff, local districts and, where appropriate, voluntary agency staff. These reviews ask: “What will it take to get this child a permanent home?” It’s amazing how quickly so-called barriers disappear when multiple systems work together.

Since our first Sharing Success conference, a national consensus on the centrality of collaboration has emerged, best reflected in the many places that are replicating the Sharing Success conference—as distant as Hawaii and nearby as Delaware. Perhaps the

most significant replication occurred in the fall of 2005 when the Conference of Chief Justices, National Center for State Courts and others convened a Summit on Children in the Child Welfare System, using our Sharing Success model on a national scale. There, a team from New York joined with the nation's Chief Justices, State Court Administrators and child welfare representatives to share experiences and develop state Action Plans. As a follow-up to the Minneapolis Summit, New York will be co-hosting a Children's Summit on March 8 and 9 in New York City—another opportunity for state teams to assess progress, showcase successful initiatives and identify directions for the future.

I am pleased also to report the continuing growth of Court Appointed Special Advocate (CASA) programs, under the direction of Darlene Ward. Following the recommendations of a 2005 Task Force headed by former Court of Appeals Judge Howard Levine, we have established a CASA Assistance Program—which provides program guidelines, fiscal support through grants, technical assistance and training to local CASA programs—and a CASA Office within our Alternative Dispute Resolution unit. In 2006, we had nearly one thousand CASA volunteers serving more than 3,800 children in thirty-seven New York counties; we added programs in Lewis and Ontario Counties; and we are developing programs both in Columbia County and with the Seneca Nation, which will be the State's first Tribal CASA Program.

### *Family Court*

I've talked about successful systemic initiatives, but the fact is that, in our own discussions, we discipline ourselves never to dwell on successes. There's just too much left to be done, and the picture in Family Court still is grim.

We continue, in our Family Courts throughout the State, to seek out new ways to improve our service. In the past year, Family Court in New York City, for example, has initiated new calendar control measures, and one family/one judge teams to streamline permanency hearings. Financial support cases have been expedited; Night Court has been expanded to all five boroughs; a Youth Advisory Board (including former foster children) has been established to assist the courts; Judicial Hearing Officers and Referees increasingly participate in up-front screening and resolution; and new materials have been developed, in several languages and formats, on domestic violence, custody and visitation, child protection and financial support.

Last fall, Judge Joseph Lauria, Administrative Judge of the New York City Family Court, in collaboration with Judge Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, initiated a Self-Represented Legal Service Project in Brooklyn Family Court, to afford unrepresented low-income litigants free legal advice in the courthouse from specially trained law firm and corporate pro bono attorneys. Last year also, we added Kings County and New York County to the list of improved

Family Court facilities—our beautiful new Queens County Family Court opened in 2005—and we anticipate upgrades in our Bronx and Richmond Family Court facilities in the near future.

But let's face it: we need more Family Court Judges. We now have just 154 Family Court Judges statewide—49 in New York City and 105 outside the City. Aside from the pressures and demands of the stressful cases brought to Family Court, the volume of filings continues to soar, with the number expected to break a staggering 700,000 this year. With the heightened attention brought on by the tragic Nixzmary Brown case, filings in abuse and neglect cases in New York City Family Courts more than doubled during 2006, and there is no indication that this trend is about to level off. Furthermore, the volume of Family Court work throughout the State has increased significantly as a result of the new permanency planning legislation that took effect in December 2005, which requires that children in foster care receive immediate and ongoing attention, including court reviews every six months.

The bottom line is that we are desperately short of judicial resources, and we are therefore asking the Legislature to create thirty-nine additional Family Court judgeships statewide, to enable us to meet the needs of Family Court calendars. We will be providing Judiciary Committee Chairs, Senator John DeFrancisco and Assemblymember Helene Weinstein, and the Legislature with documentation detailing needs county by county. While our call for more judges last year thankfully was answered—and none of the twenty-one new judges is idle—only one of them was a Family Court Judge. Additional Family Court Judges are essential to meet the critically important needs of New York's families and children.

### MATRIMONIAL LITIGATION

Improving court process will continue to be a top priority for us also in the area of matrimonial litigation. Too much money, too much delay, too much agony.

My own involvement in reform efforts began even before I became Chief Judge, when I served on Chief Judge Wachtler's Committee to Examine Lawyer Conduct in Matrimonial Actions, chaired by then-First Department Appellate Division Justice E. Leo Milonas. That led to matrimonial rules that helped curb abuses and streamline the divorce process. In 1997 we named Jacqueline W. Silbermann Statewide Administrative Judge for Matrimonial Matters to oversee implementation of the rules and other initiatives, and in 2004 we formed the Matrimonial Commission, chaired by former Second Department Appellate Division Justice Sondra Miller, to take a comprehensive look at matrimonial litigation. Our latest legislative package includes many Miller Commission recommendations, and I continue to support no-fault divorce, urged by the Commission.

### *Administration/Operational Improvements*

Last year, again following a Miller Commission recommendation, we elevated the position of Statewide Administrative Judge for Matrimonial Matters to the court system's topmost rank, Deputy Chief Administrative Judge, as further acknowledgment of Judge Silbermann's achievements and of our commitment to continuing statewide reform in this area. In this new post, Judge Silbermann will have the additional oversight responsibility both for the statewide assignment of judges to matrimonial cases and for judicial training appropriate to matrimonial litigation in this brave new world, including such matters as tax and bankruptcy law and the appraisal of commercial assets.

I am pleased to see that Judge Silbermann's office recently enhanced their web site ([www.nycourts.gov/ip/matrimonial-matters](http://www.nycourts.gov/ip/matrimonial-matters)), which includes an updated packet of forms for uncontested divorces, many of which can be completed online, plus a newsletter (a collaboration with Hofstra University Law School's *Family Court Review*), highlighting recent judicial decisions in matrimonial cases.

### *Children Come First*

The year ahead will see the continuation of our experiment with a Model Custody Part—called Children Come First—which promises more effective resolution of custody disputes.

Children Come First provides early screening and services, such as parent education programs, comprehensive evaluations and development of parenting plans. Pilots are ongoing in Nassau, Erie and Tompkins Counties. In Nassau County, the pilot with the most experience, twenty matrimonial matters that had languished for years were included in the program, and sixteen of them settled immediately. I call this an unqualified success. We even received letters of thanks from matrimonial litigants, hardly an everyday occurrence.

On the subject of parenting, I note that the Administrative Board promulgated rules last year setting up certified parental education programs throughout the State, and take the opportunity once again to convey thanks to Judge Evelyn Frazee and her Board members for their outstanding work in developing these excellent programs.

### *Collaborative Family Law Center*

Finally in the area of matrimonials, the Miller Commission concluded that, when used appropriately, ADR can reduce the delay, expense and trauma of divorce. Following up on that conclusion, this year we will open the first court-based Collaborative Family Law Center in the nation. Parties and their attorneys who participate in this process agree, either before commencing an action or on court

referral, to use their best efforts to resolve all issues relating to dissolution of marriage with minimum conflict and without litigation. The end result is a settlement agreement, which can then be used to obtain a divorce.

Our new Center, situated in downtown Manhattan, will serve New York City's five counties. There we will train attorneys, provide space for participants, and connect families with professional services such as child development specialists, financial services, mental health services and substance abuse treatment. We anticipate that spouses who choose this approach will find that the financial and emotional cost of divorce is reduced for everyone involved—surely a step in the right direction.

## CRIMINAL JUSTICE

**I**N THE AREA OF CRIMINAL JUSTICE, THE CHALLENGE IS NOT SIMPLY TO KEEP UP WITH CASELOADS but also to achieve better outcomes in every case. Just keeping up, I assure you, is no mean feat. In 2006, we saw 1.23 million filings in our criminal courts, including for the first time in recent memory, a significant increase in felony filings around the State. But if one theme connects many of our recent criminal justice initiatives, it is our determination to look beyond day-to-day court operations in an effort to focus on those elements of the system that directly impact our ability to deliver justice effectively.

Many of the structural systems that support the work of the criminal courts, such as the probation and indigent defense systems, are financed and administered by other branches and agencies, sometimes making it difficult for us to seamlessly work together toward the common goal of ensuring a high standard of justice in every case. The Judiciary has an obligation to step forward and serve as the catalyst for reform, because the bottom line is simple: we rely on these systems to accomplish our constitutional mission, and when they suffer, the quality of justice in our courts inevitably suffers. That is why, most recently, we have established both a Probation Task Force and an Indigent Defense Commission, and why we continue to place such high priority on improving interagency data-sharing among the courts and other criminal justice stakeholders at all levels of government. My focus today will be on probation.

## THE FUTURE OF PROBATION

Since its introduction to the United States in 1841, probation has emerged as the most cost-efficient, effective means of ending the cycle of crime by giving an offender a chance at rehabilitation. A lynchpin of the criminal justice system, probation provides the objective information needed by other justice partners in making many critical pre-

trial and post-conviction determinations, such as diversion into pretrial release programs, bail, sentencing decisions of incarceration versus alternatives to incarceration, and the length and conditions of the sentence of probation or incarceration. In addition to providing important counseling and social services to offenders, probation serves a critical law enforcement role by ensuring that persons sentenced to probation abide by the conditions of sentence set forth in the contracts they entered into with the court.

There are currently 120,000 probationers—approximately an equal number of felons and misdemeanants—being supervised by probation officers across the State at an annual cost of \$4,000 per probationer. While the State reaps the benefits associated with probationary sentences for those felons who would otherwise be incarcerated in state prison, the State has failed to live up to its statutory bargain of contributing fifty percent toward the costs incurred by local probation departments. In last year's State of the Judiciary address, I announced formation of a Task Force on the Future of Probation in New York State, chaired by former New York Senator John R. Dunne. This is our other magnificent Dunne Commission. We asked the Task Force to tell us how we could strengthen a probation system that is critically overburdened and underfinanced; has too few officers, too few caseworkers and little current technology to enforce probation sentences; and has enforcement policies that vary from county to county. And they responded promptly and superbly. Thank you so much, John, and your entire Task Force.

In a report being released today ([www.nycourts.gov/reports/future-probation\\_2007.pdf](http://www.nycourts.gov/reports/future-probation_2007.pdf)), the Task Force, affirming the urgent need for change, pointed to the long and continuing decline in State funding to the Division of Probation and Correctional Alternatives (DPCA), the State agency charged with overseeing local probation departments, and to the local departments themselves. To reverse this downward spiral and improve the statewide probation system, the Task Force has articulated a bold new vision for the future of probation in New York. The Judicial Branch would assume the probation oversight and funding functions currently carried out by the Executive Branch, while leaving untouched local government control over the day-to-day delivery of probation services, including the continued appointment of Probation Directors by County Executives.

Taking over the State DPCA's functions makes sense on many levels. The courts, after all, are the most direct beneficiaries of well-run probation departments. These have a critical impact on our ability to function effectively and provide a high standard of justice to the public. For example, our criminal courts rely on local probation departments to inform their sentencing determinations in tens of thousands of criminal cases every year. We depend on probation departments to ensure that offenders are properly supervised and held accountable by well-trained professionals who also have the necessary tools to link offenders to necessary services and law-abiding lives.



Likewise, our Family Courts depend on probation departments to help them monitor and assist juveniles and promote public safety through enhanced supervision, appropriate alternatives to detention and diversion services.

The Judicial Branch has a vested interest in making sure the State meets its statutory commitment to share probation costs with localities, including meeting the goal of an additional \$75 million in annual State funding, phased in over a three-year period.

To effectuate the Task Force's recommendations, we will submit to the Legislature a proposal that creates a new State Office of Probation and Correctional Alternatives to provide probation officer training, distribute state reimbursement funding to local departments and ensure that localities are meeting their own funding obligations. With the assistance of a newly empowered State Probation Commission, this office will actively shape probation policy in New York and promulgate and enforce rules and standards governing probation practices.

#### INDIGENT DEFENSE UPDATE

Since the United States Supreme Court decided *Gideon v. Wainwright* in 1963, the promise of proper legal representation for indigent criminal defendants has been a keystone of our justice system. Last spring, the Commission on the Future of Indigent Defense Services—ably led by Professor Will Hellerstein and Judge Burton Roberts—issued its final report unanimously concluding that New York's indigent defense system is in severe disarray and should be replaced with a statewide system governed by consistent regulations and standards. Although most defenders are dedicated and diligent, the Commission documented how the system is so poorly designed, so badly fractured between the State and localities, and so overburdened that only a complete overhaul would suffice.

With the Commission's recommendations to guide us, we are currently working with the Governor's office, with county governments and indigent defense providers, to achieve consensus on a framework for a new indigent defense system in New York State. It would give me great pleasure to submit a comprehensive legislative proposal that would enable New York State to deliver on its constitutional promise of representation for the poor in criminal cases. The Judiciary is absolutely committed to serving as the catalyst for reform.

In the interim, we have begun taking critical steps to address some of the greatest problems. Chief Administrative Judge Lippman has already asked all county executives for copies of their assigned counsel plans and solicited their input on how we can best reform our indigent defense system. In addition, many of the steps we are taking to support our Town and Village Justice Courts—from developing new case-management

software to recording court proceedings—grow directly out of the Hellerstein/Roberts Commission’s recommendations.

While we work toward a legislative solution that enables us to realize the vision of quality representation for the indigent, I am confident that these interim steps will improve the delivery of services for many thousands of eligible defendants.

## CIVIL JUSTICE

**O**UR RECENT FOCUS ON CIVIL LITIGATION HAS BEEN TWO-FOLD: making sure the courts work well and improving access to civil justice. I am pleased that this comprehensive approach is bearing fruit. Cases of all types—personal injury, commercial, guardianship proceedings—are now resolved more efficiently and with greater judicial oversight, and at the same time more unrepresented litigants than ever before are able to obtain assistance.

## COURT OPERATIONS

### *Focus Group Initiative*

Determined to connect with our users to find ways to better meet their concerns, we last year instituted a series of focus groups, and we began with our wonderful Commercial Division, now in its second decade of operation. We know the Commercial Division has been highly successful—beginning with five parts, and now increasing to twenty active business courts all across the State, with a twenty-first to open shortly in Syracuse.

The Commercial Division focus groups, including judges, corporate executives and counsel, sought to identify new ideas, gaps in service, and features of the Division that might successfully be applied to other litigation. Ultimately, we released a report on the Commercial Division Focus Groups, and are currently studying the suggestions they generated. After positive feedback from participants, we decided to proceed with a second series of focus groups, on the subject of litigation delays. Undue delays—which translate into additional costs—can undermine public confidence in the justice system, and as a practical matter result in the denial of access to the courts for a significant segment of our society.

This is not the first time we studied litigation cost and delay. In 1998, we formed local Task Forces, and their efforts led to a Differentiated Case Management Program, categorizing cases based on their level of complexity, with specified time frames for

milestones throughout the life of a case. The next Focus Groups on Reducing Litigation Cost and Delay, working with the offices of Deputy Chief Administrative Judges Joan Carey and Jan Plumadore, will review how these and other reforms have fared in their objectives. These frank and open discussions will help assure that the court system always remains responsive to its users.

### *Summary Jury Trials*

On the civil front, we are also enthusiastic about our experiment with Summary Jury Trials—one-day trials that combine the flexibility and cost effectiveness of arbitration with the structure of a conventional trial. This procedure has proved to be a highly effective tool for the disposition of civil cases in the Eighth Judicial District, with Judge Joseph Gerace, and in Bronx County. Success in these locations last year led to the appointment of Judge Lucindo Suarez as Statewide Coordinator of Summary Jury Trials. Judge Suarez has been working diligently throughout the State to promote this effective ADR alternative. Our goal this year is to expand the option of Summary Jury Trials to all Judicial Districts.

### *Fiduciary Reform: Guardians*

Over the last six years, we have worked tirelessly to improve the fiduciary appointment system in New York. We have established a registration process for fiduciaries, adopted restrictions on fees and imposed limitations on eligibility for appointment. Under the leadership of First Deputy Chief Administrative Judge Ann Pfau, we are working to keep pace with the challenges presented by guardianship cases, particularly to ensure that guardians fulfill their responsibilities on behalf of incapacitated persons.

The Model Guardianship Part, which began as a pilot project in Suffolk County in 2005, now will be expanded to Queens County. These parts integrate all pending cases involving an incapacitated person before a single judge, accelerate review of any allegations of physical or financial abuse, mediate family conflict, and utilize trained volunteers to monitor the status of incapacitated persons.

In addition, thanks to a State Justice Institute grant, we have—in partnership with the Vera Institute of Justice—created a Guardianship Assistance Network in Kings County to serve as a support center for lay guardians. Each year, in New York City alone, about 1,500 family members and friends are appointed to serve as guardians of incapacitated persons. These lay guardians must navigate a complex maze of programs and legal requirements, including securing Medicaid and Medicare benefits, arranging for home care and complying with many different statutory filing requirements. Now they finally have a resource to ease their difficult task.

## ACCESS TO CIVIL JUSTICE

As always, we will continue our efforts to reduce the gap in the availability of civil legal services for the poor—by identifying a permanent funding stream for these services, by increasing pro bono legal services and by continuing initiatives to help self-represented litigants.

### *Funding for Civil Legal Services*

Finding a permanent funding scheme for civil legal services has long been at the forefront of the court system's Access to Justice initiatives. We are all too well aware that, overwhelmingly, the need for civil legal services for the poor is not being met. We are greatly encouraged by Governor Spitzer's commitment to improve the delivery of civil legal services and by the significantly increased funding levels in the Executive Budget.

For the coming fiscal year, the Judiciary Budget includes an appropriation of five million dollars from the State's Legal Services Assistance Fund to supplement the funds in the Executive Budget. To facilitate this appropriation, we are seeking approval of a modest increase in our criminal history search fee from fifty two to sixty dollars, with six dollars of the increase allocated to this purpose. We appreciate the Governor's expressed support for this initiative, and we are working with his office to establish an appropriate institutional home to oversee this new funding stream. We anticipate that these funds will provide support for direct legal services to the poor and encourage visionary proposals to enhance the delivery of these services.

It is beyond dispute that significant public health, safety and economic objectives are promoted when civil litigation is fairly resolved. When, for example, representation means that a family has a better chance to avoid eviction and homelessness, we all benefit. These are encouraging first steps.

### *Statewide Pro Bono*

Our Statewide pro bono initiative—a grassroots effort that partners the bench, bar, legal educators, legal services providers and advocates for the poor on Local Pro Bono Action Committees—continues to grow. This initiative, which we are calling ProBonoNY, has an expanding network of local committees, with activities well under way in the Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Judicial Districts. Already, free CLE programs offered in exchange for a pro bono commitment have signed up nearly two hundred attorneys in Syracuse and more than one hundred in the Ninth District. And in the Tenth Judicial District, the Suffolk County committee has targeted its pro bono efforts to assist poor people seeking appointment of a guardian. I think we're off to a good start on ProBonoNY.

### *Assistance for Self-Represented Litigants*

As our filings grow, so do the numbers of self-represented litigants in our courts. To ensure access to justice for the estimated 1.8 million litigants who appear without lawyers—some by choice, some for financial reasons—it is essential that we continue to develop programs that help them navigate the court system.

Fortunately, we have made significant strides, currently serving a majority of these litigants with a network of resources: offices dedicated to helping self-represented litigants; direct assistance from court-based staff in metropolitan area family and housing courts; public access computer terminals; special training for court employees on assisting the self-represented; and a web site ([www.nycourthelp.gov](http://www.nycourthelp.gov)) containing information, links and forms, soon to have important interactive features.

Among Judge Newton’s newer collaborations are an interactive online program, available at [lawhelp.org](http://lawhelp.org), to help New York City tenants respond to non-payment petitions, and, with Civil Court Administrative Judge Fern Fisher, a project providing limited legal assistance to low-income tenants in Manhattan Housing Court. We are confident that these services will be of enormous help to our growing numbers of self-represented litigants.

## PROBLEM-SOLVING COURTS/CENTER FOR COURT INNOVATION

**T**URN NOW TO ANOTHER SUBJECT CLOSE TO MY HEART: our efforts to adopt a problem-solving approach to the delivery of justice.

Just weeks ago, we celebrated the tenth anniversary of the Center for Court Innovation—again, congratulations to Greg Berman and John Feinblatt. The Center is our independent research and development arm that has played such a crucial role in helping us spread the idea of problem-solving justice across New York. This anniversary provided a welcome excuse to reflect on how far we’ve come over the past few years. I’m proud to report that problem-solving reforms—providing judges with better information, linking victims and nonviolent offenders to needed services, engaging citizens in “doing justice,” and using data to improve the accountability of courts—continue to gather momentum across the State.

Today, we have more than 250 problem-solving courts in New York State, overseen by Deputy Chief Administrative Judge Judy Harris Kluger. These include specialized drug courts that are sentencing addicted offenders to drug treatment instead of incarceration, community courts that are addressing neighborhood crime problems, Integrated Domestic Violence Courts and specialized domestic violence courts that are

providing desperately needed services to victims of abusive partners, and mental health courts that are linking mentally ill offenders to community-based treatment.

Our problem-solving courts are serving tens of thousands of New Yorkers each year—aiding victims, changing the behavior of offenders and restoring crime-plagued neighborhoods. The achievements of pioneering projects like the Midtown Community Court, the Rochester Drug Court and the Brooklyn Domestic Violence Court are well documented. Independent evaluators have established that, among other things, these courts have helped to reduce substance abuse and local crime, to improve compliance with court orders, and to enhance public confidence in justice.

The preliminary results from some of our more recent experiments are equally encouraging. *Documenting Results*, a book recently published by the Center for Court Innovation, offers vivid testimony about the impacts of problem-solving justice.

For example, research suggests that the Brooklyn Mental Health Court has succeeded in reducing re-arrests and hospitalizations among mentally ill offenders. And data from one of our newest experiments, Bronx Community Solutions, document that the project has not only enhanced sentencing options in misdemeanor criminal cases—reducing the use of both jail and sentences where offenders receive no sanction whatsoever for their criminal behavior—but also improved compliance with court-ordered community service. Researchers have also documented that more than eighty-five percent of offenders at the Red Hook Community Justice Center feel that their cases were handled fairly—an indication that problem-solving courts have improved not just court outcomes but also court process.

Impressive as these numbers are, we know that statistics can be misleading. That's why it is important to see problem-solving courts in action. Not long ago, I spent a day doing just that. I'd like to offer two snapshots from my tour.

In the morning, I visited the Brooklyn Mental Health Court, presided over by Judge Matthew D'Emic, where I learned of "Andy," a middle-aged man arrested on a relatively straightforward drug charge. As is so often the case, a closer look revealed that this arrest was just the tip of the iceberg. Like many defendants, Andy's case legally may not have been complicated, but his life surely was. He had a long rap sheet, a long history of psychiatric hospitalizations and had been abused physically and sexually as an adolescent by an uncle. He had a severe learning disability and was diagnosed with Major Depressive Disorder, a severe and recurrent mental illness, as well as addiction to heroin and prescription tranquilizers.

Armed with detailed information about Andy's case, the clinical team at the Mental Health Court recommended a rigorous course of treatment to Judge D'Emic and found a suitable service provider. Andy pleaded guilty and agreed to enter treatment for his

illness, facing five to ten years in prison if he failed to adhere to his court-ordered treatment plan. He also agreed to return to court on a regular basis to demonstrate his compliance. I'm happy to report that after eighteen months of treatment, Andy has graduated from the Mental Health Court and his case has been dismissed. His situation stabilized, Andy was able to enroll in culinary school. He now works in a restaurant and has re-connected with his twenty-year-old son and his son's mother.

A traditional, busy court probably would know nothing about the person behind Andy's criminal case, or have the tools to perform a detailed psycho-social assessment, or the staffing to locate an appropriate treatment provider or the technology to monitor Andy's compliance over months and months of treatment. At the Brooklyn Mental Health Court, all of this infrastructure is not only in place, it is the standard operating procedure.

I next toured the Red Hook Community Justice Center, a community court in southwest Brooklyn that has served as a model for similar projects across the country and around the globe. In Red Hook, I met a woman I'll call Karen.

Karen originally came to Red Hook in March 2002 on a drug charge. Although she was the child of a prosperous Long Island family, Karen left home in her early teens. What followed was a downward spiral that eventually led her to prostitution and life on the streets. Inevitably, she found herself in court on numerous occasions for a variety of minor drug and prostitution charges.

Her trip to the court in Red Hook would prove different. For one thing, after years of estrangement, her father appeared in court by her side, eager to seize what he saw as his final chance to reconnect with his daughter. For another, Red Hook's judge, Alex Calabrese, agreed that Karen could benefit from drug treatment. She was sentenced to detox and a year in residential treatment. It is worth noting that her father could have bailed her out but he chose not to. He knew that his daughter needed not just his help but also professional structure and supervision—the kind of structure and supervision that the Red Hook Justice Center was created to provide.

I wish I could say that Karen saw the light on that day, but she didn't. Karen did not go into treatment willingly. She tried to escape and had to be wrestled down by court officers. She then broke the unbreakable glass in the Justice Center's holding cells—something that no prisoner has ever done before or since. She may not have gone willingly, but go she did. A year later, she was back in court. This time, she was there not to answer a new charge, but rather to accept a certificate for successfully completing drug treatment. In light of her success, Karen's case was dismissed.

Karen has been sober ever since. She talks to her parents on the phone nearly every day—indeed her father came with her to meet with me. She has a full-time job and proudly reports that she is a taxpayer. Last March, almost four years to the day from

her first appearance, Karen married in a ceremony presided over by Judge Calabrese. Her father summed up the feelings of many in attendance that day when he called his daughter's experience at the Justice Center "a miracle."

Of course, not every case ends as happily as Andy's or Karen's, but I think their stories are instructive nonetheless. They demonstrate the kinds of outcomes that are possible when judges, prosecutors, attorneys and administrators decide to take a problem-solving approach. I'm proud to say that these individual miracles are being replicated every day in countless courtrooms across New York State, with colleagues who tell me, "This is what I became a judge to do."

So where do we go from here? Our goal over the next two years is to continue to weave problem-solving justice into the fabric of the New York State court system. Where appropriate, we want to continue to test new applications of the specialized court model. But we also want to spread problem-solving justice beyond specialized courtrooms. To this end, we are providing hands-on training to judges and attorneys across the State, encouraging them to adopt problem-solving principles and practices in their courtrooms. We are also working on technology that will allow criminal court judges to make links to off-site social services and engage in compliance monitoring. And through our brand new Center for Courts and the Community—you'll hear more about that in a moment—we are looking to spread new models of community outreach and engagement throughout the State.

## CONTINUING JURY REFORM

**A**ND NOW TO ANOTHER OF MY ALL-TIME FAVORITE SUBJECTS—JURY REFORM. Every year I acknowledge the progress we have made and underscore the fact that we are not, we will never be, truly finished. I firmly believe that the work of jury reform is never finished. It requires ongoing attention not only to keep moving forward but also to guard against losing ground. Old habits die hard.

For the year ahead, we have planned three new initiatives to help sustain the momentum we've achieved. First, within the next few months we will complete a Best Practices Guide for jury system administration in New York, codifying the lessons learned from our fourteen years of jury reform and updating it with ongoing innovation. Second, within the Office of Court Administration we will be forming a Jury System Academy so that judges and jury staff throughout the State stay current about best practices and the very latest research. And third, Judge Lippman and I will be creating a new position within the Office of Court Administration—a Statewide Commissioner of Jurors, soon to be announced—with responsibility to support jury operations, assure continuous jury reform, keep the Best Practices Guide up to date and



oversee the Jury System Academy. Of course, our wonderful cadre of Jury Trial Project judges will continue encouraging their colleagues to implement some of the established innovations, such as juror note-taking, preliminary instructions and allowing written juror questions.

To stay with the subject of threes for a moment, I'd like first to direct your attention to the brochure *Jury Reform: The Road Traveled* that's been placed on your seat. I think you'll agree that the jury reform road traveled since 1993 is indeed an impressive one in many respects, not the least of them the legislation that has moved our jury system into the new century. This has genuinely been a cross-government enterprise in the public interest in which we all can take pride. Second, you also have a colorful take-home pamphlet, *Democracy in Action*, that I hope you will share with friends and family. If you get stuck completing the puzzles, just give me a call. The point of the pamphlet, of course, is to interest and educate not only its direct recipients about our prized American jury system but also the next generation, soon to be eligible jurors.

Third, a few years ago several of us here in New York and around the country joined in a campaign to persuade the United States Postal Service to issue a stamp honoring jury service. Talk about tough going! My experience as Chief Judge has trained me well in the art of dogged perseverance and, lo and behold, we ultimately prevailed. The commemorative stamp for September 2007 will be a strikingly handsome one, with the message that now closes this section of my report: "Jury Duty: Serve with Pride."

## TECHNOLOGY

**E**SSENTIAL TO EFFECTIVE SERVICE IN THE MODERN WORLD IS FINDING BETTER WAYS TO USE TECHNOLOGY, to the benefit of judges and courts, the bar and the public. Indeed, smarter use of technology is essential to virtually all of the initiatives I've been describing.

Last year in my State of the Judiciary message I highlighted a program called Partners in Justice, which began as a collaboration with clinical professors representing New York State's fifteen law schools. We've actually had a pretty amazing year, all of us working together, leading to a fabulous online resource: "The Four Cs: Collateral Consequences of Criminal Charges" ([www2.law.columbia.edu/fourcs](http://www2.law.columbia.edu/fourcs)). The success of this joint effort led to a groundbreaking initiative, the Collateral Consequences Calculator, that actually thinks for itself! The site was developed by students from the Columbia Law School Lawyering in the Digital Age Clinic—Melody Wells and Harris Cohen are here today—under the guidance of Professor Conrad Johnson, and I never want to miss an opportunity to say thank you to all of them.

Today, however, I want to focus my remarks not on the substantive law applications of technology, but on technology that enables us all to work efficiently around the clock, around the world.

### *On-Line Access to Court Records*

Using a computer from work, home or the library, for example, the public can visit our web site—free of charge—to get all sorts of information about the courts, ranging from the date of the next appearance in a case, to judges' decisions, and even in some instances to actual documents filed by the parties. In 2006, we enhanced online access to information on Supreme Court civil cases in all of New York's sixty-two counties by launching WebCivil Supreme. We continued providing WebCRIMS service for twenty-one criminal courts in thirteen counties, making more information available. And we added Family Court cases in all sixty-two counties, providing helpful information to lawyers and litigants while withholding party names to protect the privacy and security of litigants. Next month, our pilot in Broome County will begin to make electronic copies of many court documents available on the Internet.

In addition, more than a quarter of a million judicial decisions are now available on our Web site for free downloading—it's our cure for insomnia. Finally, New York County has made its Supreme Court Records On-Line Library available over the Internet, providing remote access to case information and records in civil cases.

### *Automated Filing Program*

Each year litigants and their attorneys personally deliver millions of pages of documents to our courthouses. That requires litigants, attorneys and court staff to spend time and energy printing, labeling, delivering, filing, storing and retrieving paper. One of the benefits of our electronic filing (or "E-filing") program is that it has reduced the mountain of paper.

This year we will be introducing a program called Automated Filing (or "A-Filing"), which will enable us to accept electronic documents in civil cases. These documents will include certain civil filings, small claims filings, preliminary conference orders and stipulations of adjournment. Although delivered through the Internet, the electronic documents will not be available for Internet viewing. By reducing trips to the courthouse and the volume of paper, this new A-Filing system will help reduce some of the cost and inconvenience of the current system for everyone.

### *Wireless Courthouse Project*

We recognize that most people who come to our courthouses want to be productive during any downtime and would benefit from Internet access. These include self-

represented litigants wishing to check our CourtHelp web site, attorneys who need to access office files, and jurors in assembly rooms who want to work or answer emails. We have started to meet this need by installing free wireless access to the Internet in high traffic areas such as juror assembly rooms, waiting areas and even some courtrooms, beginning with courthouses in New York City, Buffalo, Rochester, Binghamton and White Plains. By the end of this year, we expect to have wireless Internet access in many of the largest courthouses across the State.

### *Court "Information" Telephone Line*

Every year the courts receive tens of thousands of calls from litigants, attorneys, jurors, witnesses, victims and others seeking information, whether it's about the status of a case, the location of courthouse, how to obtain an order of protection, or myriad other questions. In response, we have greatly expanded the information available on the court system's web site and implemented a variety of telephone-based information systems. These systems are working well, but a more coordinated approach could be even more useful. Therefore, this year we will implement a system, modeled on New York City's highly successful "311" non-emergency telephone line, that will provide the public with a single phone number for court information. A dedicated team of specially trained personnel will answer these questions, as well as email inquiries, to ensure that no one is denied access to justice because he or she cannot get fast and correct answers to questions about our court system.

### *Web-Based Attorney Registration*

By law, all attorneys admitted to practice in the State of New York—resident or nonresident, active or retired, practicing in New York or anywhere else—are required to renew their attorney registration every two years, within thirty days of their birthday. With 225,000 registered attorneys, maintaining the current paper-based system is labor intensive for the court system and cumbersome for attorneys, who must submit the fee and registration information by mail or in person. Also, attorney information in a paper-based system is likely to go out of date quickly, which affects our case management systems that use attorney registration data as a reference.

Thus, this year we will begin building an automated attorney registration system that will permit attorneys to pay their registration fee and update their registration information through the web. This system will also send an email reminder to the attorney when registration is due or overdue. Although online registration will not be mandatory, the fact that one-quarter of attorneys already are using credit cards to pay the fee tells us that a web-based system will likely be welcomed by the bar.

### *Collection of Fines and Fees*

Faithful enforcement of court mandates is of course essential to the rule of law. Unenforced judgments undermine public confidence in the judicial process, which in turn undermines the rule of law. Over the years, we have expanded the number of courts that accept credit card payments, experimented with using a private collection firm, and explored intercepting tax refunds to satisfy unpaid court sanctions. New York has made great strides in enforcing orders in areas such as child support but frankly, we have a long way to go in collecting unpaid fines and fees.

Once again, technology makes possible advances that were inconceivable just a few years ago. Databases and enforcement methods that vary from court to court or between the Judiciary and other agencies such as corrections and motor vehicles can be harmonized, and we can do much more to improve compliance.

With those goals in mind, we will begin overhauling our case management system to harmonize cashiering methods in every court. With this uniform system in place, we will use new legislative authority to phase in acceptance of credit card payments in every court. With acceptance of credit cards will come online payments that make compliance more convenient and more efficient, and a uniform cashiering system will make possible a single database of judgment debtors that will simplify and speed enforcement. We will work to integrate this uniform database into the operations of allied agencies to create, for the first time in State history, one single system for statewide enforcement of court-ordered payments. The result will be more accurate accounting, more secure payments, more efficient administration and better compliance with court mandates.

## **TWO ANNIVERSARIES: COURT FACILITIES AND ADA**

**T**HIS YEAR MARKS THE TWENTIETH ANNIVERSARY OF THE COURT FACILITIES ACT, a statute designed to assist local governments in meeting their legal obligation to provide suitable facilities for the work of the courts. While there are still courts that are cramped or lack the dignified surroundings and amenities that befit the important work conducted there, much has been accomplished under the Act. Since 1987, millions of square feet of new or renovated space have been provided to the courts. This anniversary happens to coincide with the opening in the coming months of the new Bronx Hall of Justice, one of the largest courthouses ever built in the United States. We are proud of the new Bronx courthouse, but take equal pride in even the smallest of the new or refurbished courthouses that have been opened over the past twenty years.

This year also—the fifteenth anniversary of the Unified Court System’s Americans with Disabilities Act (ADA) program—we will embark on a new ADA Action Plan, reassessing all our courthouses to identify access issues and working closely with local government to ensure that each courthouse is fully accessible. We will provide full training sessions for court managers and ADA liaisons; establish an ADA Awareness Month to focus attention on this issue; and continue review and enhancement of our web site at [nycourts.gov](http://nycourts.gov) to ensure that it meets the needs of people with disabilities.

## COMMUNITY OUTREACH

**I**N MY FIRST STATE OF THE JUDICIARY ADDRESS OF THE TWENTY-FIRST CENTURY, I voiced concern that the public knows so little about our system of government, and even less about the courts. That year we launched a major community outreach initiative, with a comprehensive calendar of events designed to educate New Yorkers of all ages about us. Since then, we have continued with numerous programs like Law Day, Senior Citizens Day, Clergy Day, mentoring projects, internships, mock trials, town hall meetings, court tours and visits, public service announcements, a web site for teachers and students and a variety of publications and DVDs. Despite these wonderful efforts, I remain frustrated by the public’s lack of knowledge about the courts. The powerful misperceptions of us that dominate the airwaves are hard to overcome.

Last year I announced a nonprofit public-private partnership, a Center for Courts and the Community, with the mission of fortifying educational partnerships for schoolchildren and adults, and establishing new programs to inform and facilitate the work of the media, building on existing efforts in and outside the court system. I am delighted to report that our Center for Courts and the Community is up and running, with its own Executive Director, Jacqueline Sherman.

The Center’s immediate plans include a roundtable to analyze current civic education efforts about the court system and develop a comprehensive strategy for New York’s judiciary to contribute to the process. Attending will be judges, bar leaders, policymakers and education experts. The Center will also develop education materials, including a publication of narratives about how the lives of ordinary New Yorkers—victims, defendants, witnesses, jurors and others—have been improved by the court system.

Finally, the Center will help encourage court-community collaborations like the ones that have worked so well in our community courts—such as community advisory boards and training for teenagers to serve in youth courts. It will encourage wider adoption of newer programs, like the Buffalo Attendance Court—a program spearheaded by Eighth Judicial District Administrative Judge Sharon Townsend to

support children whose poor attendance records place them at risk of becoming involved in formal court proceedings. Already Mayor Michael Bloomberg has announced plans for a similar pilot program in New York City.

This year we will again be hosting statewide Law Day events—one right here at Court of Appeals Hall on Monday, April 30. You're all invited! The Law Day theme set by the American Bar Association—Liberty Under Law: Empowering Youth, Assuring Democracy—affords a great opportunity to bring youth into courts for a conversation about the justice system. As the American Bar Association's National Chair for Law Day 2007, I am counting on all of you to produce phenomenal, prize-winning programs in New York. After all, can the home state of the Law Day Chair do anything less?

## CONCLUSION

**A**ND WITH THAT CHALLENGE TO ALL OF YOU, I CONCLUDE MY REPORT. What is the State of the Judiciary 2007? A terrific mix of dedicated people, solid performance and sound innovation, a small part of which I've presented today. To my mind, the unimpeachable evidence conclusively establishes two propositions: first and foremost, that the judges of the Unified Court System fully deserve the proposed increases in their compensation and second, that I do in fact hold the world's greatest office.

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

February 26, 2007