

NEW YORK STATE

Unified Court System



Annual Report 2007



STATE OF NEW YORK

Report of the Chief Administrator of the Courts

FOR THE CALENDAR YEAR JANUARY 1, 2007 – DECEMBER 31, 2007

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MESSAGE FROM THE CHIEF ADMINISTRATIVE JUDGE



AS ONE OF THE LARGEST AND BUSIEST JUDICIAL SYSTEMS IN THE WORLD, the New York State Unified Court System (UCS) is faced with the ongoing challenge of assuring public access to our courts and efficiency in the delivery of justice. With a burgeoning caseload that reached over four million new filings this past year, the UCS continues to seek ways to better serve the public. Many of these operational enhancements and innovative court programs are outlined in this—our 30th—Annual Report of the Chief Administrator of the Courts. Submitted to the Governor and Legislature in accordance with Section 212 of the Judiciary Law, this report also includes an overview of New York’s state court system structure and information about caseload activity and trends.

Highlights for 2007 include implementation of the initial phase of a comprehensive initiative to improve the efficiency, accessibility and overall quality of New York’s locally funded and administered justice courts, which serve towns and villages outside New York City and handle some two million cases annually; numerous technological enhancements designed to make our courts more efficient, secure and easier for the public to navigate; expansion of problem-solving practices aimed at ending the revolving door of justice in cases involving addiction, domestic violence and low-level crime; expansion of our highly successful Commercial Division, dedicated exclusively to business litigation; extension of court resources for self-represented litigants, including the opening of several on-site assistance programs around the state; and posting of our online Judicial Candidate Voter Guide, with biographical information on candidates for state-paid elective judicial office, to help voters make more informed decisions on Election Day. I invite you to read more about these and other UCS achievements over the past year in the pages that follow.

At the start of this message, I mentioned the challenges posed by our steadily rising—and increasingly complex—caseload; Family Court filings alone exceeded 700,000 in 2007. Despite the growing demands placed on our judges, they have not received even a single cost of living adjustment since 1999. This is the longest judicial salary freeze of any state in the country, with a landmark study issued by the National Center for State Courts in May concluding that New York’s judges are severely underpaid when compared to jurists nationwide as well as other professionals in significant public positions.

Once again this year, the UCS worked with members of the bar, business leaders and others to address New York’s judicial pay crisis, calling for salary increases for the state’s judges and the creation of an independent commission to evaluate pay scales to ensure that salary levels are protected from inflation, and salary decisions based on objective economic criteria, separated from politics.

Sincerely,

A handwritten signature in black ink that reads "Ann Pfau". The signature is written in a cursive, flowing style.

ANN PFAU

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THE YEAR 2007: A SUMMARY OF HIGHLIGHTS

THE NEW YORK STATE UNIFIED COURT SYSTEM (UCS) continued to test and implement creative strategies and expand the use of technology to keep pace with rising caseloads and more effectively respond to emerging social issues and changing public expectations. In 2007, automation also played a pivotal role in the implementation of the initial phase of a broad-based UCS initiative to improve the efficiency and quality of New York's Justice Courts. Serving towns and villages in the 57 counties outside New York City, these courts hear approximately two million cases a year, handling a range of civil and criminal matters and collecting over \$210 million in fines and fees annually. While constitutionally part of the Unified Court System, Justice Courts have historically operated without the oversight of the State Judiciary. A comprehensive study of New York's Justice Courts revealed record-keeping, security and other deficiencies, spawning a blueprint for reform.

We begin this chapter of our annual report with a status report on this reform plan, with this year-in-review section also highlighting the Unified Court System's progress on numerous other initiatives, including alternative dispute resolution programs that provide people the opportunity to resolve a range of conflicts out of court; "problem-solving" justice practices that aim to reduce recidivism; programs supporting the Family Court's mandate to protect the best interests of our children; and efforts aimed at overcoming socioeconomic, language and other barriers to justice.

ENSURING JUSTICE COURTS MEET THE HIGHEST STANDARDS

THERE ARE SOME 1,250 JUSTICE COURTS IN NEW YORK STATE, serving towns and villages in the 57 counties outside New York City. In fact, Justice Courts comprise 75 percent of the state's trial courts. These tribunals, which predate our State Constitution by a century, operate in densely as well as sparsely populated areas of the state. Justice Courts handle a wide range of civil matters, also trying misdemeanors, minor offenses and violations, conducting felony arraignments and collecting over \$200 million annually in statutory fines, fees and surcharges.

Though constitutionally part of the Unified Court System, Justice Courts are locally funded and administered. In recent years it became apparent that some localities lacked the financial and other resources to adequately support their Justice Courts, prompting the Chief Judge to order a comprehensive review of the statewide town and village justice system. This top-to-bottom review revealed deficiencies in record-keeping, security and other practices, with the Office of Court Administration devising an action plan that focuses on streamlining Justice Court operations, enhancing courthouse technology, security and facilities, and stepping up training for Justice Court judges—most of whom are non-lawyers—and staff to ensure that New York's Justice Courts are fully prepared to meet their myriad responsibilities.

The action plan was devised so that most of the reforms can be carried out within the existing legal framework, with the following steps among those taken this year: the appropriation of \$10 million from the State Judiciary budget to fund the purchase of security, facility and computer upgrades that include hand-held metal detectors, video surveillance equipment, fire alarm systems, court benches, and equipment to process credit card payments for fines and other fees; stepped-up training for sitting judges and imple-

mentation of an expanded basic training program for novice non-attorney judges that combines two weeks of in-residence training and five weeks of at-home study, with a focus on vital legal and procedural issues such as constitutional rights and arraignment procedures; the appointment of supervisory judges from the State Judiciary, most with Justice Court experience, to oversee local town and village Justice Courts and provide support as needed; the integration of approximately 4,000 Justice Court judges and clerks into the UCS statewide e-mail system; the launching of the Justice Courts redesigned Web site; and the deployment of digital recording systems in some 600 Justice Courts, with the goal to install these systems in every single Justice Court to ensure an official record of court proceedings.

With respect to this latter step, Justice Courts are the only courts that are not courts of record under State law. While some Justice Courts employed court reporters or recorded proceedings electronically, the vast majority did not, with judges having to make handwritten notes to reconstruct the court record for an appeal or other reason. To implement this part of the action plan, the Chief Judge set forth a rule requiring that all Justice Court proceedings be recorded, with the Office of Court Administration providing digital recording devices and related training at no cost to the localities.

The UCS is also working to ensure the availability of qualified court interpreters in meeting Justice Court needs (see p.12) and will continue to collaborate with the New York State Magistrates Association, the New York State Association of Magistrate Court Clerks, local governments statewide, the Legislature, Executive Branch and Office of the State Comptroller to fully implement the reforms outlined in the action plan to make certain that the public is being well served by these local tribunals.

ADVANCES IN TECHNOLOGY ENHANCE EFFICIENCY, ACCESSIBILITY

Automated Case-Processing System Installed in More Courthouses

The court system further expanded and refined its Universal Case Management System (UCMS) in 2007 as part of a major initiative to implement a centralized, automated case-processing system in courts statewide.

The UCMS application for local civil courts—introduced on a pilot basis in Auburn City Court in 2006—was installed this year in Bronx, Kings, Queens and Richmond counties. Among other benefits, this UCMS module reduces the need for employees to obtain physical case files when responding to inquiries, provides Court Clerks with an automated, easy-to-navigate courtroom calendar and simplifies the processing of civil judgments.

Other UCMS additions and enhancements include installation of the Surrogate's Court module in 11 more counties and improvements to the Family Court module that allow for more comprehensive judicial monitoring of child permanency cases.

High-Speed Network Supports Court System's Diverse Needs

The courts' high-speed network (CourtNet) was extended to courthouse facilities in New York's Hudson Valley area, and CourtNet TV—which is supported by the network, broadcasting cable TV news and live, on-demand events to jury assembly rooms and other court facilities—has become an integral training and public outreach tool.

Expanding the Use of Video Conferencing for Inmate Appearances, Arraignments

CourtNet is also used to conduct video conferences between courthouses and jails, with inmate video

appearances increasing by 25 percent, to **15,000**, in 2007; New York City Criminal Court successfully piloted a program this year that enables judges to conduct bedside arraignments of criminal suspects at Manhattan's Bellevue Hospital via CourtNet, resulting in cost savings and other benefits.

Web-Based System Helps Promote Safety of Domestic Violence Victims

WebDVS is an Internet-based application used by the UCS to submit orders of protection to the statewide registry, which then forwards the data to the New York State Police Information Network (NYSPIN), a database providing real-time, critical information services to criminal justice agencies at both the state and federal levels. WebDVS was successfully installed in courts in all 62 counties of the state. With features that include built-in audit trails to ensure that each order has been appropriately entered, this online system expedites the processing of orders, thereby enhancing victim safety.

Digital Surveillance Enhances Courthouse Safety

Several years ago, the court system initiated the deployment of a digital video surveillance system that allows uniformed officers from command centers around the state to monitor courthouses 24/7, with authorized court security personnel able to view live and recorded video via the Internet from anywhere in the world. In 2007, the court system installed an additional 300 surveillance cameras, bringing the total to **800** statewide. (Read more about 2007 UCS security initiatives on page 16 of this report.)

E-Filing Programs Expanded

Litigants may file court documents in certain types of cases electronically via the New York State Electronic Filing System (NYSCEF), a user-friendly program that was expanded this year—by authorization of the Legislature—to include more case types and court locations, including Surrogate's Court in Chautauqua, Monroe, Queens and Suffolk counties.

Further refinements were made to the court system's e-filing software in 2007 and a campaign conducted to raise awareness about the program among bar members, with NYSCEF also offering training in the use of the program. There were **90,764** cases filed electronically, and some **6,800** NYSCEF users registered, as of the end of this year.

For more information, visit the NYSCEF Resource Center online at: www.nycourts.gov/efile.

E-Filing of Support Petitions Saves Family Court Litigants Time

An electronic filing program was launched in Kings County Family Court in December 2007 that is expected to save litigants waiting time and also expedite the docketing of support petitions. Via this new program, which will eventually be expanded to family courts statewide, litigants are interviewed at the support collection unit, where their data is gathered and entered electronically to initialize and schedule a case, assign a docket number and support magistrate; formerly, litigants were required to visit both the support collection unit and the Family Court to file a new support petition.

ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES

ADR services include mediation, arbitration and other ways of resolving conflicts with the help of a specially trained neutral third party, without the need for a formal court trial or hearing. The court system oversees a network of not-for-profit community dispute resolution centers that offer ADR services for matters ranging

from small claims to custody disputes. Disputes mediated through these programs have an average settlement rate of over 85 percent.

For more information about court-affiliated ADR programs, visit: www.nycourts.gov/ip/adr.

New Collaborative Family Law Center Aims to Reduce Trauma, Expense of Divorce

The courts' ADR office and Office of the Deputy Chief Administrative Judge for Matrimonial Matters worked with the bar, mediation community and other groups in 2007 to prepare for the opening of the country's first court-based collaborative family law center. In collaborative family law, divorcing couples and their attorneys agree to work together to reach a settlement with minimal conflict and without litigation; those who fail to reach an agreement may file a case in court.

ADR Services Aid Farmers

In 2007, the courts' statewide network of community dispute resolution centers assisted farmers in the resolution of small claims, credit, labor, divorce-related and other disputes through its AgMediation program, with U.S. Department of Agriculture funds for the program increasing this year to reflect the tenfold rise in these cases over the past four years.

Serving Teens to Senior Adults

Mediators from the courts' community dispute resolution centers participated in advanced training sessions focusing on truancy prevention; these truancy prevention sessions are facilitated by a mediator, with the child, the child's parent or guardian and a school representative participating. While truancy is often a part of Family Court cases involving unruly teens, the idea of this latest use of mediation is to stop the truancy before it reaches the level of a legal proceeding. Additionally, the court system continued to work with local dispute resolution centers to develop specialized training programs in an effort to better serve senior adults, with centers statewide providing mediation and other ADR services to some 2,000 seniors this past year.

Pilot Mediation Programs for Custody Disputes

Court-sponsored mediation is now being used to assist in the resolution of custody disputes in various parts of the state, including Erie, Nassau, New York and Orange counties. In New York County, judges now order one 90-minute session of mediation, with voluntary sessions to follow upon agreement of the parties. Initially focusing on post-judgment custody and visitation disputes, these pilot programs have been expanded to include pre-judgment disputes.

Victim-Offender Dialogues Prove Helpful to Parties

Members of the courts' network of dispute resolution centers continued to facilitate victim-offender dialogues. These voluntary, face-to-face meetings allow crime victims an opportunity to question the offender directly while making defendants realize the degree of pain and suffering they have caused. An individual who recently met with the man who murdered one of her family members had this to say about the process: "It's not for everyone but should be available to anyone who needs it ... In my case, the dialogue was very helpful."

ADR Continues to Play Role in Success of NY's Commercial Division

ADR services play an integral role in the ongoing success of New York's Commercial Division of the Supreme Court, which handles complicated commercial cases. In addition to incorporating ADR services, the division

employs judges and staff with extensive experience in commercial litigation, also using the latest technology and case-management techniques. Lauded by both the business and legal communities, the division grew significantly this year and now spans jurisdictions serving: Albany, Kings, Nassau, New York, Onondaga, Queens, Suffolk and Westchester counties and the Seventh and Eighth Judicial Districts, with the Onondaga County Commercial Division opening in May 2007.

For more information about the Commercial Division, visit its newly redesigned Web site: www.nycourts.gov/courts/comdiv.

PROBLEM-SOLVING APPROACHES TO JUSTICE

“Problem-solving” courts offer innovative solutions to addiction, domestic violence, child neglect and quality-of-life crime in an effort to end the revolving door of justice and improve outcomes for victims, communities and defendants. Over the past decade, the UCS has implemented a range of problem-solving court models, including drug courts, domestic violence courts, integrated domestic violence courts, community courts, mental health courts and sex offense courts. Each of these models is characterized by specially trained judges and staff, dedicated dockets, intensive judicial monitoring, and coordination with outside services and agencies.

Expanding Problem-Solving Principles and Practices Statewide

The Office of the Deputy Chief Administrative Judge for Court Operations and Planning was established in January 2003 to oversee the policy and operations of New York’s problem-solving courts. Since its creation, there has been a shift from a handful of pilot courts to a statewide network of courts guided by problem-solving principles.

In 2007, the office initiated plans for nine additional problem-solving courts: a drug court to be launched in Tioga County; domestic violence courts to open in Oneida and Dutchess counties; integrated domestic violence courts to open in Saratoga and Cortland counties; mental health courts to be launched in Chautauqua and Queens counties; a youthful offender domestic violence court to open in Westchester County; and a sex offense court to open in Suffolk County. First implemented in 2006, sex offense courts enhance public safety by preventing further victimization through early intervention and closer, more effective supervision of offenders.

Domestic Violence Courts and Integrated Domestic Violence Courts Serve Families Statewide

In 2007, **23,533** new cases entered New York’s domestic violence courts, which emphasize victim safety and offender accountability. Traditionally, domestic violence victims and their families have had to appear in different courts before multiple judges to address their legal issues. In New York’s integrated domestic violence (IDV) courts, a single judge hears all related criminal, family and matrimonial matters, resulting in more informed judicial decision-making, greater consistency in court orders and fewer court appearances for these litigants. The state’s IDV courts served **2,939** new families, taking on **16,322** new cases.

The Ongoing Success of NY’s Drug Courts

Linking non-violent, drug-addicted offenders to court-supervised drug treatment, drug courts are designed to halt the cycle of addiction and arrest. Participation is voluntary, with the defendant, defendant’s attorney, district attorney and court entering into a contract. Offenders who complete treatment through the drug

court and comply with court orders earn dismissal of their charges or a reduced penalty. This year, **2,654** individuals across the state successfully completed drug court programs.

NY's First Problem-Solving Courts Symposium

With the continued expansion of the state's network of problem-solving courts, the Office of the Deputy Chief Administrative Judge for Court Operations and Planning hosted the inaugural New York State Problem-Solving Courts Symposium of Judges in October, with judges across the state convening to discuss problem-solving justice principles and related issues, share best practices and participate in a variety of educational workshops. A second symposium is being planned for November 2008.

For more information about NY's problem-solving courts, visit:

www.nycourts.gov/courts/problem_solving.

COURT-COMMUNITY PARTNERSHIPS

The court system's independent research arm—the Center for Court Innovation—tests new strategies designed to improve judicial responses to juvenile delinquency, quality-of-life crime and other problems, developing demonstration projects that rely on strong partnerships with local stakeholders. The center commemorated its ten-year anniversary in 2007, celebrating a decade of achievements that include the creation of specialized domestic violence, drug treatment and other court models.

Targeting At-Risk Teens

In 2007, the Center for Court Innovation launched Queens Engagement Strategies for Teens (QUEST), an alternative-to-detention initiative for juvenile delinquents. QUEST operates out of a church basement in Jamaica, Queens, offering after-school activities and supervision to participants while providing Queens County Family Court judges with timely, accurate and comprehensive information to keep them apprised of youngsters' efforts to meet their court-ordered obligations. The goal is to keep the teens on track and out of jail.

Another project targeting at-risk youngsters initiated this year is Far Rockaway Youth Court, where local teens are trained to serve as jurors, judges and attorneys, hearing real-life cases involving their peers. The court uses positive peer pressure to intervene in the lives of young people charged with minor offenses, enabling them to pay back the local neighborhood by performing community service and helping them stay on the right side of the law.

Engaging Communities

The Center for Court Innovation has helped launch community courts in various localities around the state to address low-level crime and related issues. These courts combine punishment and rehabilitative services in an effort to break the cycle of crime, also working with area residents, businesses and organizations to remedy homelessness and other local problems.

New York's award-winning Red Hook Community Justice Center, located in Brooklyn, initiated several youth-oriented programs this year, including a theater project that brings together local teens and police officers. Thanks in part to these and other Red Hook Community Justice Center programs, the 76th police precinct in Red Hook was named the safest in Brooklyn in 2007.

In Manhattan, the Midtown Community Court created a program in 2007 that encourages non-custodial fathers to get more involved in their children's lives—including paying court-ordered child support—

and the Harlem Community Justice Center, which handles housing, juvenile delinquency and other issues, expanded its reach to include custody and visitation matters. The goal of this recent Harlem initiative is to defuse the tension between litigants in these highly adversarial cases and protect the best interests of the child.

Replicating Innovative Court Models in NY and Beyond

The Center for Court Innovation continued its collaboration with the UCS Deputy Chief Administrative Judge for Court Operations and Planning to develop, implement and provide ongoing support to problem-solving courts statewide. Additionally, the center was instrumental in the replication of innovative court models, including community courts, in San Francisco, New Orleans and Newark, New Jersey, also lending its technical expertise to jurisdictions in Scotland, South Africa, Australia, Ireland, China, Canada and the Republic of Georgia.

For more information, visit the Center for Court Innovation online at: www.courtinnovation.org.

ONGOING IMPROVEMENTS TO JURY SERVICE

Best jury operations practices were introduced to the state's jury commissioners this year to help them and their staff members more efficiently meet jury trial demands while optimizing use of jurors' time and otherwise enhancing jury service. Notebooks were distributed statewide for use by jurors who wish to take notes during the trial—a practice many jurors find helpful—and analyses of data collected on summary jury trials held in New York State was initiated; summary jury trials have all the elements of a regular trial, with phases such as voir dire, testimony, arguments and deliberation shortened, saving litigants time and money and freeing up court calendars for more complex cases.

As part of the court system's annual tribute to New York's jurors, a U.S. Postal Service first-class stamp commemorating our nation's jury system was unveiled at a New York County Supreme Court ceremony on September 12. A leader in the nation's jury reform movement, the UCS continues to strive to make jury service a more pleasant and enriching experience for the **600,000** New Yorkers who serve each year.

For more information, visit our juror Web site: www.nyjuror.gov.

BETTER SERVING FAMILIES IN CRISIS

The Child Improvement Project

The Child Welfare Improvement Project (CIP) is a federally funded initiative that supports the Family Court's mandate to promote the safety and well-being of abused and neglected children. The technical assistance and other resources provided by the CIP have led to improved collaboration with child welfare agencies, effective use of alternative dispute resolution and other practices intended to reduce delays and improve outcomes in abuse, neglect, foster care, termination of parental rights and adoption proceedings.

Working to Improve Life Chances for Families Affected by Incarceration, Drug Abuse

For the fifth straight year, the court system co-sponsored the annual Sharing Success conference, which brings together judges, lawyers, child welfare experts and social service providers to discuss topical child welfare issues. This year's conference was expanded to two locations, New York City and Albany, with a record number of attendees—500—participating. The meeting focused on how a parent's incarceration can

affect a child and included a presentation by a national expert on the effects of pre-natal exposure to alcohol and other substances.

Assistance Program Supports Efforts of Volunteer Child Advocates

A Court-Appointed Special Advocate (CASA) is a trained community volunteer who provides the Family Court with independent child advocacy in child abuse and neglect cases. Once appointed, CASA volunteers meet with the child, family members, foster parents, service providers and others, providing the court with thorough information about the child's health, safety, well-being and permanency plans.

Part of the Court Improvement Project, the Court Appointed Special Advocates Assistance Program offers fiscal, technical and other support to CASA programs statewide. In 2007, the assistance program conducted regional and statewide training for CASA programs on case management, adolescent advocacy and other topics; provided on-site support to local programs around the state; met with local Family Court judges on CASA case assignment-related issues; worked with the Seneca Nation to develop a CASA program; produced a newsletter; and began development of a manual to provide CASA programs detailed guidance on administrative and case-management issues.

Mediation Proves Useful in Child Permanency Cases

The CIP partners with the State Office of Children and Family Services to support permanency mediation projects in New York City Family Court and Albany, Chemung, Erie, Niagara, Oneida and Orange counties. Mediation provides the multiple parties in these difficult cases a confidential, non-adversarial forum in which to air their concerns and clarify the issues, often leading to agreements that serve the child's best interests. Discussions are facilitated by a neutral third party who has no personal stake in the outcome of the case, with all agreements subject to the court's final review. Should the parties come to a standstill, the case returns to the court for litigation.

Since the program's inception **1,478** cases have been referred for mediation by courts statewide, with the mediation process completed in **1,076** of these cases and some form of settlement reached in **799** of them. As judges continue to become more familiar with child permanency mediation, they are making more case referrals. New legislation authorizing the court to refer cases to mediation at any point in a child protective proceeding has also led to an increase in referrals. (See page 4 for more on 2007 mediation initiatives.)

On-Site Centers Provide Safe Haven for Youngsters While Their Parents Are in Court

The court system oversees a network of on-site children's centers—the nation's first such statewide system—where youngsters can stay while their parents are in court. These cheerful, secure facilities promote literacy via a curriculum that incorporates storytelling, musical and other activities, also linking youngsters and their families to health, education and other critical services. Started by the Permanent Judicial Commission on Justice for Children (see page 9) and run by local service providers, the centers served **55,860** children in 2007, with plans to launch two additional centers in Chautauqua and Yates counties in 2008, bringing the number of centers statewide to 34.

This year, three more children's centers—in Ulster, Sullivan and Nassau counties—joined other children's centers in the courts' Eighth and Ninth Judicial Districts as designated Reading is Fundamental (RIF) program sites. RIF participants receive federal matching funds to assist with the purchase of new books that children can pick out at the center and keep. For more information, visit:

www.nycourts.gov/ip/childrenscenter.

Addressing Needs of Foster Children and Juvenile Offenders

The Permanent Judicial Commission on Justice for Children is a coalition of child advocates, jurists, academics and legislators that was established in 1988 to address the needs of foster care children, juvenile offenders and other youngsters whose lives and life chances are in some way shaped by the courts.

Expanding its focus on older children in the foster care and juvenile justice systems, the commission set in motion the development of Teen Space, a supervised area within the courthouse where youngsters who are the subject of permanency hearings can relax, do homework and get information about the court process prior to and following their court appearances. Family Courts in Dutchess, Erie and Queens counties have expressed an interest in launching this program on a pilot basis.

Testifying before the Assembly this year, the commission addressed the need for programs and services to promote the academic success of foster children and better enable older foster children and those who have aged out of the system to become self-supporting, productive adults. Also this year, the commission took the lead in establishing a process to permit children entering foster care to remain in their school of origin, if deemed appropriate. There is currently no legal mandate or mechanism by which to provide or pay for transportation to the school of origin. As a first step, the commission asked the State Office of Children and Family Services to compile data from three New York State counties to determine the percentage of children changing schools; it was found that about a third of the youngsters entering foster care had changed schools. The commission began working this year with a multidisciplinary group to seek private funding to conduct a pilot program to demonstrate the feasibility of providing transportation to the school of origin as well as the impact of school stability on these youngsters.

For more information visit: www.nycourts.gov/ip/justiceforchildren/index.shtml.

SEEKING BETTER OUTCOMES FOR DIVORCING COUPLES AND THEIR CHILDREN

Streamlining the Matrimonial Litigation Process

The court system continued to take steps to streamline the matrimonial litigation process, with the goal to ensure better outcomes for divorcing couples and their children. In 2007, the courts' Advisory Committee for Matrimonial Matters conducted mandatory training sessions for judges newly assigned to matrimonial cases, also providing training for judicial hearing officers—typically retired judges—to assist them in handling matrimonial matters. The court system also disseminated educational materials to judges and non-judicial personnel and responded to questions from attorneys and the public regarding the processing of divorce cases.

With support from the New York City Chapter of the Women's Bar Association of the State of New York, a pilot pro bono program was launched in New York County Supreme Court in June 2007 that offers free legal representation to indigent divorce litigants. Volunteer lawyers must possess a minimum of five years of matrimonial case law practice, among other requirements, and may fulfill their state-mandated Continuing Legal Education (CLE) requirements via their participation. This program is being evaluated for potential expansion. The court system's packet of user-friendly instruction booklets and forms for people starting a divorce was also updated. Forms are available free of charge at County Clerks' offices statewide or online at: www.nycourts.gov/ip/matrimonialmatters/index.shtml.

Model Custody Parts Help Avert Trials

In late 2006, Erie and Nassau counties were selected to participate in a model custody part called Children

Come First. These parts were designed to promote more effective case management and resolution, averting trials where appropriate. To help move cases forward, specially trained social workers meet with the parents and their respective attorneys throughout the various stages of the case, making service recommendations tailored to the family's needs and facilitating implementation of and compliance with the court-ordered custody and visitation plan. Helping litigants in highly contentious cases to reach settlements, these pilot programs will continue to take on more cases.

Parent Education and Awareness Programs Benefit Families Affected by Divorce

Established in 2001, the Parent Education and Awareness Program informs judges and others about the benefits of parent education for separating or divorcing parents. Parent education programs are child-focused and intended to help parents understand the effect of their breakup on their children and how they can make their new family life easier for them and their children.

As of 2007, there are 50 certified parent education providers in all 62 counties of New York State, with multiple programs in certain counties. Over the year, site reviews were conducted to ensure the quality of these programs and outreach efforts made to promote awareness and use of this resource by the courts and parents. In 2005, 575 parents attended parent education programs. By 2006, 3,623 parents participated in parent education programs and as of December 31, 2007, the number of parents who have attended these programs increased to **5,375**.

For more information, visit: www.nycourts.gov/ip/parent-ed.

MAKING OUR COURTS MORE ACCESSIBLE

Statewide Office Strives to Eliminate Justice Barriers

Ensuring meaningful access to justice for all New Yorkers is a top priority of the court system. The courts' Office of the Deputy Chief Administrative Judge for Justice Initiatives works with the bar, legislators, community leaders and others to eliminate barriers to justice, with a focus on strengthening the delivery of civil legal services to poor and low-income New Yorkers, expanding pro bono legal assistance and providing effective help to self-represented litigants across the state.

For more information, visit the office online at: www.nycourts.gov/ip/justiceinitiatives/index.shtml.

Boosting Funds for Civil Legal Services for NY's Needy

Access to adequate legal services can be critical for families seeking protection from eviction, senior adults confused by the social services bureaucracy or battered women fleeing domestic violence, yet drastic funding cuts in civil legal services programs have forced many New Yorkers who cannot afford a lawyer to navigate the legal system on their own. The court system continues to pursue funding to support civil legal service programs, with this year's judiciary budget including an appropriation of \$5 million from the Legal Services Assistance Fund to create an Access to Justice Fund to support and enhance civil legal assistance for New York's poor. The Legal Services Assistance Fund was established by the Legislature in 2004 to create a pool of money to be used in part to support civil legal aid organizations.

Conference Addresses Legal Needs of Rural New Yorkers

In 2007, the Office of the Deputy Chief Administrative Judge for Justice Initiatives sponsored conferences in Saratoga and Geneva, New York, bringing together a diversity of stakeholders to explore the physical, cul-

tural and other barriers poor and low-income rural New Yorkers face in seeking to address their legal needs, with the goal to create resource networks and develop other concrete strategies to better assist this population.

Expanding Attorney Volunteer Efforts

The courts' statewide network of pro bono action committees—ProBono NY—continued to grow in 2007, with new partnerships fostered among judges, attorneys and law school faculty to help increase attorneys' volunteer efforts on behalf of New York's poor. ProBono NY has been able to fund coordinators to help manage pro bono programs in several judicial districts. ProBono NY's Fifth Judicial District committee initiated a pro bono clinic in Syracuse to assist low-income hospital patients in the preparation of health care proxies and living wills, among other legal help.

Attorneys interested in volunteering their services sometimes lack the expertise in those legal specialties where the need is greatest. ProBono NY local action committees have addressed this issue by sponsoring training programs in landlord-tenant matters and other areas of critical need, with participating attorneys earning credit toward their state-mandated continuing legal education (CLE) requirements in exchange for taking on a pro bono commitment. These programs are proving an effective recruitment mechanism. For example, in Westchester County nearly every eligible client referred by Legal Services of the Hudson Valley was assigned a volunteer attorney thanks to three CLE-accredited pro bono Westchester County programs sponsored this year by the Ninth Judicial District action committee; the committee also started a Partners in Pro Bono project in Orange County, obtaining pro bono commitments from 12 law firms.

The adoption this year of Rule 1200.20 by the New York Appellate Divisions, upon the recommendation of the Office of the Deputy Chief Administrative Judge for Justice Initiatives, will likely benefit self-represented litigants by making limited-scope pro bono representation—such as drafting court papers, negotiating a stipulation or holding a brief consultation on how to proceed—more readily available. This amendment to the lawyer's Code of Professional Responsibility provides that lawyers who engage in short-term, limited-scope pro bono legal services under the auspices of a court, government agency, bar association or not-for-profit legal services organization need not comply with the code's conflict of interest rules, except where the lawyer has actual knowledge of the conflict at commencement of the representation.

Court Resources for Litigants Without Lawyers

On-site court services for litigants without lawyers also expanded in 2007, including the opening in March of the Self-Represented Legal Assistance Project at Queens County Supreme Court, where lawyers from a nationally recognized network of community-based attorneys are available two afternoons per week to provide free, brief legal consultations to low-income Queens residents. Clients range from elderly victims of predatory lending to disabled individuals in danger of being evicted from their homes.

New York's first Surrogate's Court's Office for the Self-Represented opened in August in Richmond County. Here, Staten Islanders can receive information and legal assistance on uncontested cases involving small estates, guardianships and other Surrogate's Court matters. This new Staten Island office is an offshoot of the Offices for the Self-Represented that operate in Supreme Court throughout New York City and other parts of the state, responding to questions about court operations and procedures and providing an array of court forms.

The Office of the Deputy Chief Administrative Judge for Justice Initiatives partnered with Legal Services of Western New York and other members of New York's legal services community to obtain a grant from the Legal Services Corporation and State Justice Institute to develop interactive, user-friendly software programs for use by self-represented litigants in civil matters. This "A-2J" technology produces pleadings and

information sheets based on answers to simple questions. At least eight such programs are expected to be available by 2009 via the court system's Web site and public access terminals.

Accommodating Individuals with Disabilities

In keeping with our commitment to make the court system accessible to all New Yorkers, the UCS strives to ensure the availability of services and reasonable accommodations for court users and employees with disabilities. For instance, telephone conferencing for court proceedings may be arranged on a case-by-case basis, with the judge's approval, for individuals who cannot leave their homes or have difficulty accessing the courthouse. The court system will also provide sign interpreters (see below), computerized real-time reporting, assisted listening devices and other aids, as needed. Each courthouse has an ADA liaison to help facilitate ADA requests.

This year, the courts introduced Interpretype devices (ITY™), text-messaging devices to assist hearing- and speech-impaired individuals to communicate with court personnel at clerk's office counters and in other appropriate courthouse situations where a sign-language interpreter is not readily available or the individual in need of assistance does not know how to sign.

For further information about ADA services, visit:

[www.nycourts.gov/accessibility/access tothecourts.shtml](http://www.nycourts.gov/accessibility/access%20tothecourts.shtml).

Interpreting Services for Non-English Speakers and the Hearing Impaired

With nearly 170 distinct languages spoken by New Yorkers—and over two million of the state's residents unable to communicate fluently in English—providing interpreting services to those who use the courts is one of the State Judiciary's greatest challenges. This challenge is made all the more daunting by the scope of proceedings for which the New York state courts offer interpreting services. While federal courts and many state judiciaries provide interpreters mainly to non-English speaking or hearing-impaired criminal defendants, the New York State court system offers this service to criminal defendants, parties in civil cases, witnesses and crime victims with language or hearing barriers.

To ensure that qualified interpreters are available in the myriad languages and numerous court locations required statewide—including New York's town and village Justice Courts (see page 1)—the Unified Court System launched an action plan last year to enhance the recruitment, training and retention of court interpreters. In addition, an online database was introduced to streamline the process of securing the services of qualified interpreters. This automated system contains comprehensive information about the roster of qualified interpreters, including their availability, willingness to travel to particular counties of the state and the types of training programs they have successfully completed.

The court system also expanded its use of telephone and Web-based remote interpreting services for suitable cases when on-site interpretation is unavailable. Languages for which remote interpreting was provided in 2007 include Albanian, American Sign Language, Arabic, Bengali, Bosnian, Bulgarian, Burmese, Cantonese, Chuukese, Farsi, French, Fulani, Greek, Gujarati, Haitian Creole, Hindi, Indonesian, Japanese, Khmer, Korean, Krio, Laotian, Mandarin, Portugese, Romanian, Russian, Spanish, Tagalog, Taiwanese, Turkish, Twi and Urdu.

PROMOTING FAIRNESS AND DIVERSITY IN THE COURTS

The UCS celebrates diversity and has a longstanding commitment to equal employment opportunity, the elimination of under-representation of minorities and women within the workforce, and the fair and equal treatment of minorities and women within the court system.

Statewide Commission Works to Enhance Diversity

The Franklin H. Williams Judicial Commission on Minorities—named for its first chair, the noted civil rights attorney and statesman—is dedicated to promoting diversity within the UCS workforce. The commission engages in ongoing dialogue with judges, court administrators, and members of bar and fraternal associations statewide on issues relating to the fair and equal treatment of minorities in the courts, also hosting educational seminars and other events.

Based on the overwhelming response to a local conference held in 2006 on the disproportionate number of minority youngsters in our family and criminal court systems, the commission hosted this year's Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts, titled "Saving Our Children: Justice and Fair Treatment of Youth in the Courts." Judges, attorneys and community leaders from 40 states attended the three-day meeting, held in Kings County in May and featuring U.S. Rep. Charles Rangel and other distinguished speakers. Attendees explored ways to address the inequities that often bring minority youngsters into our foster care and criminal justice systems, also focusing on how to ensure that young people, once they are in the system, are treated fairly. Among the topics discussed were cultural and language barriers to justice; alternatives to incarceration that offer youths a second chance in mainstream society; and innovative school and community programs designed to counter negative peer influence and put youngsters on a path to success.

The commission also co-hosted a reception honoring the first participants of the court system's Legal Education Opportunity Program (LEO), designed to promote academic success among low-income and minority students who have either been admitted or are in the process of applying to law school (see page 15).

Visit the commission online at: www.nycourts.gov/ip/minorities/index.shtml

UCS Committee Dedicated to Achieving Gender Fairness

The Judicial Committee on Women in the Courts was formed in 1986 and charged with implementing changes to help level the playing field for female litigants, attorneys and employees within the New York State court system. Continuing its quest for equal treatment of women at every level of the justice system and in the greater community, this year the committee published the Fifth Edition of the Lawyer's Manual on Domestic Violence: Representing the Victim, used widely as a training tool for pro bono lawyers, legal services attorneys, domestic violence advocates, prosecutors and law students; helped organize a program for judges and non-judicial court employees on human trafficking, prostitution and domestic violence; partnered with the Lawyers Committee Against Domestic Violence to conduct a two-day Continuing Legal Education program at Fordham Law School on "Turning the Tide: Strategies for Defending Domestic Violence Victims"; helped draft matrimonial reform legislation, which among other measures included provisions for a new approach to maintenance; worked on behalf of the court system to assure that supervised visitation programs are available throughout the state; provided assistance to the court system's statewide network of

local gender bias and gender fairness committees, including the coordination of UCS Domestic Violence Awareness Month and Women's History Month programs.

Visit the commission online at: www.nycourts.gov/ip/womeninthecourts/index.shtml.

OUTREACH PROGRAMS

Enhancing Understanding of the Courts

In 2007, public service announcements were broadcast via radio stations across the state highlighting the vital role of jurors in our democracy, informing the public about the availability of free court forms and other resources, and publicizing the court system's need for qualified interpreters. Law Day and other outreach events were held this year to educate the public about the court system and legal process, including a series of dialogues giving high school and college students the opportunity to speak with court system judges and administrators about their court roles and career paths. The court system also produced and disseminated various reports, handbooks and other informational materials.

To view the courts' publications online, visit www.nycourts.gov/publications.

Expanding Partnerships with Educators

In 2006, the court system and Center for Court Innovation launched the Center for Courts and the Community with the aim of expanding the courts' outreach to young people and educators. A youth-oriented Web site designed with input from high school students—My-Courts NY (www.nycourts.gov/youth)—debuted in April 2007, featuring information about proceedings and laws that affect youngsters and also linking visitors to local and statewide initiatives for young people. Over the past year, the center worked with the court system's Eighth Judicial District and Superintendent of Buffalo Public Schools to organize a civic education roundtable; coordinated a statewide summit to enhance training for youth court professionals; and partnered with the UCS Office of the Deputy Chief Administrative Judge for Court Operations and Planning to publish *Drug Courts: Personal Stories*, a compilation of narratives from people who have successfully completed drug treatment court programs across the state.

Promoting Informed Voter Participation in Judicial Elections

The courts' Judicial Campaign Ethics Center serves as a central resource on campaign ethics for judicial candidates, also keeping the public informed about judicial elections in New York State. In addition to responding to some 330 ethics-related inquiries and conducting three ethics training programs for judicial candidates this year, the center worked with the New York City Voter Assistance Commission to arrange and co-host a series of panel discussions at local college campuses about upcoming judicial elections and posted its 2007 online Judicial Candidate Voter Guide, with biographical information on 90 candidates for state-paid elective judicial office. The guide received over 13,000 "hits" in the two weeks leading up to Election Day 2007. The center's Web site, www.nycourts.gov/ip/jcec, was updated this year to include information about the newly established Independent Judicial Election Qualification Commissions, a statewide network of screening panels charged with evaluating candidates for elective office in each judicial district on their professional ability, character, independence, integrity, reputation for fairness and temperament. Appointees to these commissions are community members of the districts they serve, representing both the legal profession and the greater community.

Raising Awareness Among Legal Professionals About Assistance Programs

The Lawyer Assistance Trust was established in 2001 to bring greater awareness to the issue of alcohol and substance abuse among members of the legal profession and to provide financial assistance for treatment and prevention programs. The trust's mission was later expanded to include outreach efforts and funding for programs that address mental health concerns.

In 2007, the trust formed an advisory panel to assist in the development of programs to educate judges about the signs and symptoms of substance abuse and mental health problems as well as resources available to lawyers and other legal professionals experiencing such problems. Also this year, the trust's grant program awarded **\$94,723** to four bar associations and one law school to support a variety of lawyer assistance programs and services, and its director co-chaired the planning committee for an annual conference sponsored by the American Bar Association on lawyer assistance programs.

TRAINING INITIATIVES

New York State Judicial Institute Programs

The first judicial research and training facility built by and for a state court system, the New York State Judicial Institute hosted 115 programs this year, including training seminars for over 1,000 judges and some 1,600 court attorneys; "lunch and learn" sessions on new changes in the DWI law, new uniform rules governing depositions, juvenile gang activity and sanctions for discovery violations; a two-day conference focusing on children in foster care; and regionally based programs on the Indian Child Welfare Act.

The institute also launched the New York Legal Education Opportunity (NY LEO) program, an intensive summer program to assist minority and low-income students in acquiring the fundamental and practical skills necessary to succeed in law school. Experienced law professors provide instruction, with participating students also visiting courts in session, meeting with members of the judiciary and other legal professionals. Twenty-two students participated in the six-week program. Other new developments in 2007 include publication of the inaugural issue of the *Journal of Court Innovation*, a joint effort of the institute, the Center for Court Innovation and Pace University School of Law highlighting court innovations nationwide, and creation of a long-distance learning initiative for town and village justices statewide.

Training and Development for Non-Judicial Employees

The court system delivered a range of quality training programs tailored for non-judicial employees, including essential-skills workshops for specific job titles such as Court Clerk; management seminars on the budget process, ethical issues and other topics; and public speaking, computer training and other professional and personal development workshops open to all employees. The New York State Court Officers Academy trained four classes of new recruits, with 260 court officer trainees graduating this year. In addition to the provision of in-service and weapons re-qualification training for the courts' 6,500 uniformed and non-uniformed officers, the academy developed training programs aimed at enhancing courthouse security in New York's town and village Justice Courts.

Fellows Programs

The court system's Legal Fellows program offers one-year fellowships to recent law school graduates with an interest in public service. Fellows are placed in judicial offices statewide, assisting with legal research,

writing and other projects and also participating in forums with judges, elected officials and public policy-makers. The program continues to attract excellent candidates and welcomed 15 new Legal Fellows in 2007.

For the first time this year, the court system welcomed two Public Administration Fellows. This latest program offers a one-year fellowship to qualified students with a master's degree in public administration, with participants gaining public-sector experience in policy development and implementation, financial management, employee development and other key areas.

Training for Guardians and Fiduciaries

Serving as an educational resource for judges, attorneys, other professionals and lay people in the areas of guardianship under Article 81 of the Mental Hygiene Law and court fiduciary appointments under Part 36 of the Rules of the Chief Judge, the courts' Office of Guardian and Fiduciary Services coordinated training sessions in 2007, including workshops to help lawyers who serve as court evaluators recognize the signs of elder abuse. Led by psychiatrists, social workers and members of local district attorneys' offices who work with elder abuse victims, these seminars were held in jurisdictions serving Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk and Westchester counties.

IMPROVING COURT FACILITIES

The court system extends technical and financial support to local governments statewide for the maintenance, renovation and construction of court facilities, which are both provided and operated by the cities and counties they serve. Two major court facilities completed this year will be ready for occupancy in early 2008: the 47-courtroom Bronx Hall of Justice and the Putnam County Courthouse. Renovation projects that continued to advance in 2007 include Manhattan Family Court, Kings County Supreme Court-Civil Term, Kings County Criminal Court and Bronx County Family Court-Criminal Court. The design phase of the new Richmond County Supreme Court facility is also well under way, with the Lewis County Court and Chautauqua County Court projects making significant progress as well. Several construction projects were launched, with ground broken for a complex that will house Niagara Falls City Court and other agencies and for a Newburgh City Court facility.

ENHANCING COURTHOUSE SECURITY

The court system continued to take measures to promote courthouse security in our post-9/11 environment, including expansion of an explosive recognition program that allows for off-site viewing by specialized technicians of images passing through the courts' magnetometers; and an initiative enabling judges and courtroom staff to contact security personnel via wireless devices in an emergency. More digital surveillance cameras were installed in and around courthouses across the state, with magnetometers and other security equipment upgraded and a new protocol for the use of automated external defibrillators implemented. Members of the courts' officer corps underwent in-service and weapons re-qualification training over the course of the year, with 260 new recruits graduating from the Court Officers Academy. The court system continued its work with local Justice Courts around the state to develop and implement protocols to enhance courthouse safety.

SPECIAL REPORTS

Panel Presents Blueprint for Revamping NY's Archaic Courts Structure

A cumbersome maze of overlapping courts fixed in the State Constitution of 1962, New York's antiquated court structure poses jurisdictional barriers that can prevent litigants from obtaining complete relief in one court. The present system comprises 11 separate trial courts: the Court of Claims, Supreme, County, Family, Surrogate's, City, District, New York City Civil, New York City Criminal, and town and village Justice Courts. While the court system in recent years has developed domestic violence and other problem-solving courts to eliminate such boundaries, these initiatives in no way diminish the need for more fundamental change.

In July 2006, the Chief Judge appointed a panel of jurists, legal practitioners and business leaders—the Special Commission on the Future of the New York State Courts—to devise a blueprint for reform to enable the courts to more effectively meet the needs of New Yorkers in the years and decades to come. The commission released a detailed report of findings and recommendations in February 2007 that among other measures calls for the consolidation of the current structure into a two-tier system and the creation of a Fifth Judicial Department to ease the state's appellate burden. The commission's recommendations have the potential to greatly improve the administration of justice, also saving litigants, the state and overall economy some \$500 million annually, with the panel's findings prompting the Governor to propose a constitutional amendment to restructure the court system.

The commission's report is available online at: nycourts.gov/reports/courtsys-4future_2007.pdf.

Task Force Outlines Model to Revitalize State's Probation System

Introduced in the U.S. in 1841, probation has since emerged as a cost-efficient means of ending the cycle of crime by giving offenders a chance to become productive members of society, at the same time providing objective information to the courts and its criminal justice partners about an offender's past criminal history, personal characteristics and outside influences. Over the years, state funding to support local probation services has declined significantly. While probation services are utilized by many different components of the criminal justice system, the state's criminal and family courts are the primary beneficiaries of adequately funded and staffed local probation departments.

Last year, the Chief Judge appointed a task force to create a model for making probation a more vital state entity. Studying successful innovations in other states, conducting public hearings and conferring with a variety of experts, the group released a comprehensive report in February 2007 that recommends shifting budgetary and oversight functions of state probation services from the Executive Branch to the Judicial Branch and also calls for additional state funding for local probation departments—to be phased in over three years—to bring reimbursement rates back to the levels set two decades ago. There are presently over 120,000 offenders being supervised by probation officers statewide at an annual cost of \$4,000 per probationer. In contrast, it costs \$32,000 per year to keep an offender in prison in New York State. For an online version of the full report, visit: www.nycourts.gov/reports/future-probation_2007.pdf.

COURT STRUCTURE AND CASELOAD ACTIVITY

ARTICLE VI OF THE STATE CONSTITUTION specifies the organization and jurisdiction of the courts, establishes the methods for the selection and removal of judges and provides for administrative supervision of the courts. The responsibility and authority of the New York State Unified Court System (UCS) is vested in the Chief Judge, who also serves as Chief Judge of the Court of Appeals, New York’s highest court.

The UCS is made up of 11 separate trial courts: New York City Civil, New York City Criminal, City, District, Town and Village, Supreme, County, Family and Surrogate’s Courts and the Court of Claims; the intermediate Appellate Terms and Appellate Divisions; and the Court of Appeals. This chapter describes the jurisdiction of these courts and provides an overview of their 2007 caseload activity as well as a summary description of the Office of Court Administration (OCA), the court system’s administrative arm.

APPELLATE COURTS

THE COURT OF APPEALS—New York’s highest court—hears civil and criminal appeals. In most cases, the court’s authority is limited to the review of questions of law. Depending on the issue, some matters may be appealed as of right and some only by leave or permission from the court or the Appellate Division. The Court of Appeals also presides over appeals of decisions reached by the State Commission of Judicial Conduct (which reviews allegations of misconduct brought against judges) and sets rules governing the admission of attorneys to the bar. The Court of Appeals consists of the Chief Judge and six Associate Judges appointed by the Governor, with the advice and consent of the Senate, to 14-year terms. Five members of the court constitute a quorum, with the agreement of four required for a decision. The court’s caseload activity is reported in **TABLE 1**.

There are four **APPELLATE DIVISIONS OF THE SUPREME COURT**, one in each judicial department (**SEE CHART**). Their responsibilities include resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases; reviewing civil appeals taken from the Appellate Terms and

FOR ADMINISTRATIVE PURPOSES, THE NEW YORK STATE APPELLATE DIVISION IS DIVIDED INTO FOUR JUDICIAL DEPARTMENTS, AS FOLLOWS:

JUDICIAL DEPARTMENTS BY COUNTY

FIRST DEPT.	SECOND DEPT.	THIRD DEPT.	FOURTH DEPT.
Bronx	Dutchess	Albany	Allegany
New York	Kings	Broome	Cattaraugus
(Manhattan)	Nassau	Chemung	Cayuga
	Orange	Chenango	Chautauqua
	Putnam	Clinton	Erie
	Queens	Columbia	Genesee
	Richmond	Cortland	Herkimer
	Rockland	Delaware	Jefferson
	Suffolk	Essex	Lewis
	Westchester	Franklin	Livingston
		Fulton	Monroe
		Greene	Niagara
		Hamilton	Oneida
		Madison	Onondaga
			Ontario
			Oswego
			Seneca
			Steuben
			Wayne
			Wyoming
			Yates
			Montgomery
			Otsego
			Rensselaer
			St. Lawrence
			Saratoga
			Schenectady
			Schoharie
			Schuyler
			Sullivan
			Tioga
			Tompkins
			Ulster
			Warren
			Washington

New York's highest court, the Court of Appeals hears civil and criminal appeals. The court also presides over appeals of decisions reached by the State Commission on Judicial Conduct and sets rules governing the admission of attorneys to the bar.

TABLE 1 CASELOAD ACTIVITY IN THE COURT OF APPEALS – 2007

Applications Decided [CPL 460.20(3(b))]	2,371
Records on Appeal Filed	221
Oral Arguments (Includes Submissions)	179
Appeals Decided	185
Motions Decided	1,440
Judicial Conduct Determinations Reviewed	2

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

BASIS OF JURISDICTION	AFFIRMED	REVERSED	MODIFIED	DISMISSED	OTHER*	TOTAL
All Cases:						
Reversal, Modification, Dissent in Appellate Division	15	4	3	0	0	22
Permission of Court of Appeals or Judge thereof	49	29	13	0	0	91
Permission of Appellate Division or Justice thereof	26	10	3	0	0	39
Constitutional Question	5	2	1	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	1	0	2	0	22	25
Total	96	45	22	0	22	185
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	15	4	3	0	0	22
Permission of Court of Appeals or Judge thereof	24	17	12	0	0	53
Permission of Appellate Division or Justice thereof	18	7	3	0	0	28
Constitutional Question	5	2	1	0	0	8
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	1	0	1	0	22	24
Total	63	30	20	0	22	135
Criminal Cases:						
Permission of Court of Appeals or Judge thereof	25	12	1	0	0	38
Permission of Appellate Division or Justice thereof	8	3	0	0	0	11
Other	0	0	1	0	0	1
Total	33	15	2	0	0	50

*Includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g., judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.27)

town and village Justice Courts. Justices are selected from the Supreme Court bench by the Chief Administrator, upon approval of the Presiding Justice of the appropriate Appellate Division. The Appellate Terms' 2007 caseload activity is listed in **TABLE 3**.

TRIAL COURTS

In 2007, **4,535,532** cases were filed statewide in the trial courts. Excluding parking tickets, filings totaled **4,391,302**—39 percent of which were criminal filings, 41 percent civil filings, 16 percent Family Court filings and three percent Surrogate's Court filings. As **TABLE 4** shows, total filings remained high at 4.5 million. Civil filings increased 12 percent, and criminal filings two percent, over the five-year period. **FIGURE A** shows the percentage of filings by case type.

TABLE 4 FILINGS IN THE TRIAL COURTS: FIVE-YEAR COMPARISON

COURT	2003	2004	2005	2006	2007
<i>CRIMINAL</i>					
Supreme and County Courts Criminal	54,549 ^a	63,217 ^a	74,412 ^a	80,210 ^a	81,956 ^a
Criminal Court of the City of NY ^b	856,825	786,540	872,927	854,918	862,690
City & District Courts Outside NYC ^b	717,004	702,079	769,870	784,518	781,502
Parking Tickets	197,848	153,533	147,870	154,139	144,230
Criminal Total	1,826,226	1,705,369	1,865,079	1,873,785	1,870,378
<i>CIVIL</i>					
Supreme Court Civil ^c	430,007	415,132	402,318	408,756	414,132
Civil Court of the City of NY ^d	840,902	756,852	820,355	969,654	940,334
City & District Courts Outside NYC ^d	308,392	292,925	325,149	361,475	358,541
County Courts Civil ^e	27,833	30,333	30,812	27,532	26,491
Court of Claims	1,683	1,694	1,591	1,482	1,589
Small Claims Assessment Review Program	18,255	85,324	51,527	78,057	73,103
Civil Total	1,627,072	1,582,260	1,631,752	1,846,956	1,814,190
<i>FAMILY</i>	689,281	695,842	665,970	727,130 ^f	709,293 ^f
<i>SURROGATE'S</i>	151,239	145,749	145,492	144,548	141,671
Total	4,293,818	4,129,220	4,308,293	4,592,419	4,535,532

^aIncludes felonies and misdemeanors, of which 27,971 were misdemeanor filings in 2007

^bNYC includes arrest and summons cases; outside NYC includes arrest cases and uniform traffic tickets.

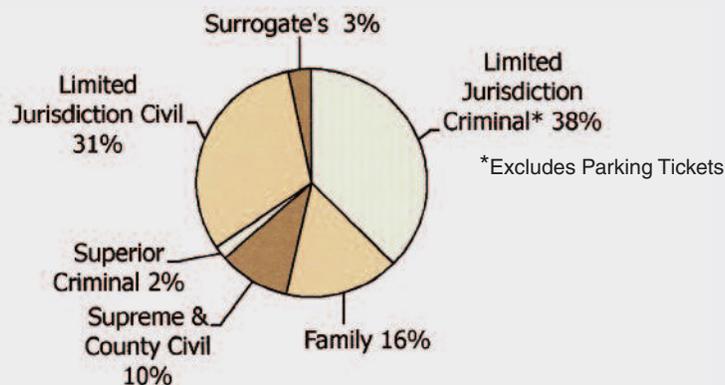
^cIncludes new cases, ex parte applications and uncontested matrimonial cases.

^dIncludes civil, housing, small claims and commercial claims.

^eIncludes new cases and ex parte applications.

^fIncludes Permanency Planning Hearings Held.

FIGURE A TRIAL COURT FILINGS BY CASE TYPE – 2007



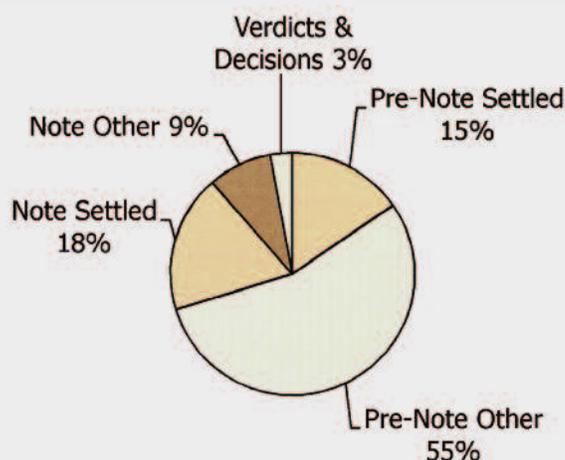
THE SUPREME COURT generally handles cases outside the authority of the lower courts such as civil matters beyond the monetary limits of the lower courts' jurisdiction; divorce, separation and annulment proceedings; equity suits, such as mortgage foreclosures and injunctions; and criminal prosecutions of felonies. **THE COMMERCIAL DIVISION**, which is devoted exclusively to complex business litigation, is part of the Supreme Court. Supreme Court justices are elected by judicial district to 14-year terms.

CIVIL CASES

DURING 2007, there were **414,132** civil filings in Supreme Court, including **171,752** new cases, **195,534** ex parte applications and **46,846** uncontested matrimonial cases. A total of **428,282** matters reached disposition. Three standard-and-goal periods measure the length of time from filing a civil action to disposition. The first or "pre-note" standard measures the time from filing a request for judicial intervention (RJI)—when parties first seek some form of judicial relief—to filing the trial note of issue, indicating readiness for trial. The second or "note" standard measures the time from filing the note of issue to disposition. The third standard covers the entire period from filing the RJI to disposition. The respective time frames are 8-15-23 months for expedited cases; 12-15-27 months for standard cases; and 15-15-30 months for complex cases. In matrimonial cases, the standards are 6-6-12 months; in tax certiorari cases, 48-15-63 months. **FIGURE B** shows the breakdown of cases by manner of disposition.

FIGURE B

SUPREME CIVIL DISPOSITIONS BY TYPE OF DISPOSITION – 2007



COUNTY COURTS, located in each county outside New York City, handle criminal prosecutions of felonies and misdemeanors committed within the county, although in practice most minor offenses are handled by lower courts. County Courts also have limited jurisdiction over civil lawsuits, generally involving claims up to \$25,000. County Courts in the Third and Fourth Departments, while primarily trial courts, hear appeals from cases originating in the city, town and village courts. County Court judges are elected to ten-year terms. The statistical data for the County Courts' felony caseload is reported in combination with the felony caseload data for Supreme Court, in **TABLE 5**.

TABLE 5

SUPREME CRIMINAL & COUNTY COURT – FELONY CASES 2007

Location	FILINGS			DISPOSITIONS						
	Total	Indictments	*SCT's	Total	Guilty Pleas	Convictions	Acquittals	Nonjury Verdicts	Dismissals	Other
TOTAL STATE	53,985	34,241	19,744	55,543	48,154	1,300	559	401	3,866	1,263
NYC	25,042	19,605	5,437	26,106	21,214	693	357	145	2,724	973
New York	7,507	6,643	864	8,212	6,540	305	116	37	1,032	182
Bronx	5,915	4,918	997	6,670	5,288	70	58	12	769	473
Kings	6,675	5,548	1,127	6,166	5,049	156	108	45	557	251
Queens	4,241	2,033	2,208	4,290	3,667	151	73	49	293	57
Richmond	704	463	241	768	670	11	2	2	73	10
ONYC **	28,943	14,636	14,307	29,437	26,940	607	202	256	1,142	290
Albany	1,019	655	364	1,006	905	30	10	0	54	7
Allegany	97	64	33	100	94	0	0	1	4	1
Broome	806	454	352	838	719	21	8	6	53	31
Cattaraugus	204	81	123	190	183	5	2	0	0	0
Cayuga	144	77	67	163	147	3	0	1	6	6
Chautauqua	552	152	400	563	548	2	0	0	12	1
Chemung	397	327	70	406	346	14	3	19	22	2
Chenango	119	72	47	110	101	5	0	0	3	1
Clinton	220	89	131	206	191	7	5	0	3	0
Columbia	72	26	46	91	88	3	0	0	0	0
Cortland	150	85	65	146	130	7	6	1	2	0
Delaware	68	26	42	65	60	2	1	0	2	0
Dutchess	424	133	291	465	398	12	0	0	33	22
Erie	2,284	953	1,331	2,469	2,174	53	13	81	125	23
Essex	96	66	30	103	97	2	0	0	4	0
Franklin	189	122	67	165	160	2	0	0	3	0
Fulton	115	47	68	116	111	4	0	0	1	0
Genesee	218	111	107	203	191	7	3	1	0	1
Greene	119	56	63	127	120	3	3	0	1	0
Hamilton	15	5	10	16	16	0	0	0	0	0
Herkimer	220	54	166	231	226	4	0	0	1	0
Jefferson	625	169	456	608	598	1	1	1	4	3
Lewis	232	43	189	269	267	1	0	0	1	0
Livingston	260	161	99	266	239	6	2	2	10	7
Madison	67	56	11	72	62	3	3	1	2	1
Monroe	2,500	1,175	1,325	2,422	2,122	82	49	52	114	3
Montgomery	129	39	90	131	125	3	0	0	1	2
Nassau	2,859	1,076	1,783	3,076	2,772	62	23	19	184	16
Niagara	431	296	135	450	386	9	2	4	28	21
Oneida	804	594	210	768	720	21	5	2	20	0
Onondaga	1,486	794	692	1,482	1,351	31	10	4	67	19
Ontario	403	142	261	454	413	21	1	4	4	11
Orange	1,002	670	332	1,085	991	19	1	13	46	15
Orleans	139	102	37	148	127	4	3	0	14	0
Oswego	232	108	124	248	230	10	3	1	3	1
Otsego	92	54	38	94	85	2	1	0	3	3
Putnam	87	28	59	94	90	1	0	0	3	0
Rensselaer	322	129	193	351	332	9	1	0	7	2
Rockland	621	522	99	599	555	7	3	2	30	2
St. Lawrence	264	140	124	285	260	7	3	0	11	4
Saratoga	308	79	229	304	293	2	1	0	6	2
Schenectady	475	320	155	428	389	10	0	2	26	1
Schoharie	41	11	30	42	41	0	0	0	1	0
Schuyler	58	27	31	68	65	0	2	1	0	0
Seneca	107	55	52	100	94	2	1	0	1	2
Steuben	336	139	197	326	306	7	1	3	2	7
Suffolk	4,002	2,453	1,549	3,852	3,635	23	7	14	144	29
Sullivan	345	121	224	364	347	5	0	3	5	4
Tioga	126	109	17	133	118	3	0	7	5	0
Tompkins	216	149	67	206	186	1	1	1	9	8
Ulster	374	196	178	399	368	10	6	0	11	4
Warren	287	125	162	281	270	4	0	0	3	4
Washington	183	156	27	197	178	3	4	0	6	6
Wayne	276	186	90	293	268	5	2	4	10	4
Westchester	1,521	477	1,044	1,545	1,457	42	12	6	22	6
Wyoming	140	57	83	158	141	2	0	0	7	8
Yates	65	23	42	60	54	3	0	0	3	0

**Outside New York City

*Superior Court Information

THE COURT OF CLAIMS is a statewide court with exclusive authority over lawsuits involving monetary claims against the State of New York or certain other state-related entities such as the New York State Thruway Authority, the City University of New York and the New York State Power Authority (claims for the appropriation of real property only).

The court hears cases at nine locations around the state. Cases are heard without juries. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, to nine-year terms.

During 2007, **1,589** claims were filed and **1,415** cases decided.

SURROGATE’S COURTS, located in every county of the state, hear cases involving the affairs of the deceased, including the validity of wills and the administration of estates. These courts are also authorized to handle adoptions. Surrogate’s Court judges are elected to ten-year terms in each county outside New York City and to 14-year terms in all New York City counties. See **TABLE 6** for 2007 filings and dispositions by case type.

TABLE 6 SURROGATE’S COURT FILINGS & DISPOSITIONS: PROCEEDINGS BY CASE TYPE – 2007

Case Type	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions*	Filings	Dispositions*	Filings	Dispositions*
Total	141,671	110,176	36,477	32,223	105,194	77,953
Probate	42,587	44,282	12,881	11,378	29,706	32,904
Administration	14,736	14,505	7,117	5,586	7,619	8,919
Voluntary Admin.	17,020	17,020	5,308	5,308	11,712	11,712
Accounting	30,029	7,259	2,864	1,861	27,165	5,398
Inter <i>Vivos</i> Trust	551	367	28	28	523	339
Miscellaneous	13,109	11,496	4,208	4,742	8,901	6,754
Guardianship	20,906	11,467	3,835	3,065	17,071	8,402
Adoption	1,628	2,674	234	253	1,394	2,421
Estate Tax	1,105	1,106	2	2	1,103	1,104

*Includes orders and decrees signed.

FAMILY COURTS, located in every county of the state, hear matters involving children and families, including adoption, guardianship, foster care approval and review, juvenile delinquency, family violence, child abuse and neglect, custody and visitation, and child support. Family Court judges in New York City are appointed to ten-year terms by the Mayor. Family Court judges serving outside New York City are elected to ten-year terms. See **TABLE 7** for a breakdown of Family Court filings and dispositions. This table also contains filings and dispositions for the state’s Integrated Domestic Violence (IDV) Courts.

The performance standard for Family Court cases is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court. During the year, 94 percent of dispositions statewide were reached within the standard.

TRIAL COURTS OF LIMITED JURISDICTION IN NEW YORK CITY

THE CIVIL COURT OF THE CITY OF NEW YORK has jurisdiction over civil cases involving amounts up to \$25,000. It includes small claims and commercial claims parts for the informal resolution of matters involving

TABLE 7

**FAMILY & SUPREME COURT FILINGS &
DISPOSITIONS BY TYPE OF PETITION – 2007**

Type of Petition	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
Total	709,293	700,035	239,592	232,963	469,701	467,072
Termination of Parental Rights	4,094	3,626	1,756	1,448	2,338	2,178
Surrender of Child	2,101	2,041	564	531	1,537	1,510
Child Protective (Neglect & Abuse)	42,397	39,369	13,803	11,366	28,594	28,003
Juvenile Delinquency	20,741	20,550	7,613	7,847	13,128	12,703
Designated Felony	549	426	212	144	337	282
Persons in Need of Supervision	8,160	8,669	1,521	1,506	6,639	7,163
Adoption	3,974	4,023	1,849	1,907	2,125	2,116
Adoption Certification	465	442	130	125	335	317
Guardianship	3,970	3,880	2,212	2,119	1,758	1,761
Custody/Visitation	180,935	174,788	46,500	43,399	134,435	131,389
Foster Care Review	75	68	20	4	55	64
Foster Care Placement	1,041	877	482	380	559	497
Physically Handicapped	0	0	0	0	0	0
Family Offense	49,984	48,943	21,015	20,617	28,969	28,326
Paternity	40,134	39,986	21,091	20,835	19,043	19,151
Support	289,729	290,747	85,299	84,730	204,430	206,017
Uniform Interstate Family Support Act	11,287	11,947	5,408	5,889	5,879	6,058
Consent to Marry	7	7	2	2	5	5
Other	734	730	52	51	682	679
Permanency Planning Hearings Held	48,916	48,916	30,063	30,063	18,853	18,853

TABLE 8

**NEW YORK CITY CIVIL COURT: FILINGS & DISPOSITIONS BY CASE TYPE
AND COUNTY – 2007**

TOTAL FILINGS^a–940,334 / TOTAL DISPOSITIONS– 685,449

	CIVIL ACTIONS		HOUSING		SMALL CLAIMS		COMMERCIAL CLAIMS	
	Filings ^b	Dispositions ^c	Filings ^b	Dispositions ^c	Filings	Dispositions	Filings	Dispositions
New York City	597,133	386,330	306,360	257,250	28,591	32,221	8,250	9,648
New York	81,127	52,395	78,266	53,572	6,110	6,552	2,157	2,780
Bronx	107,269	80,765	90,440	105,224	4,064	4,214	1,105	925
Kings	203,677	122,545	82,448	63,244	9,041	9,362	1,558	1,976
Queens	178,952	112,497	49,011	30,858	7,534	10,348	2,398	3,035
Richmond	26,108	18,128	6,195	4,352	1,842	1,745	1,032	932

^aThe large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party.

^bIncludes both answered and unanswered cases.

^cIncludes courtroom dispositions and default judgments.

amounts up to \$5,000, and a housing part for landlord-tenant proceedings. New York City civil court judges are elected to ten-year terms; housing judges are appointed by the chief administrator to five-year terms. TABLE 8 shows the breakdown of filings and dispositions by case type and county.

THE CRIMINAL COURT OF THE CITY OF NEW YORK handles misdemeanors and violations. New York City criminal court judges also conduct felony arraignments and other preliminary (pre-indictment) felony proceedings. They are appointed by the Mayor to ten-year terms.

During 2007, 72 percent of the arrest cases were misdemeanors, with 48 percent of all cases reaching

TABLE 9

**NEW YORK CITY CRIMINAL COURT: FILINGS & DISPOSITIONS BY
CASE TYPE AND COUNTY – 2007**

	ARREST CASES		SUMMONS CASES	
	Filings	Dispositions	Filings*	Dispositions
New York City	357,025	360,368	505,665	367,227
New York	103,863	103,497	126,862	86,665
Bronx	76,339	77,684	107,807	66,960
Kings	96,586	98,002	164,432	135,538
Queens	69,401	70,174	91,862	65,912
Richmond	10,836	11,011	14,702	12,152

*Includes both answered and unanswered cases.

disposition by plea. Another 32 percent were dismissed; four percent were sent to the grand jury; 15 percent were disposed of by other means; and one percent pled to a superior court information. **TABLE 9** shows filings and dispositions by county for both arrest cases and summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant).

TRIAL COURTS OF LIMITED JURISDICTION OUTSIDE NEW YORK CITY

CITY COURTS ARRAIGN FELONIES AND handle misdemeanors and lesser offenses as well as civil lawsuits involving claims of up to \$15,000. Some city courts have small claims parts for the informal disposition of matters involving claims up to \$5,000 and/or housing parts to handle landlord-tenant matters and housing violations. City Court judges are either elected or appointed, depending on the city, with full-time City Court judges serving ten-year terms and part-time City Court judges serving six-year terms. **DISTRICT COURTS**, located in Nassau County and the five western towns of Suffolk County, arraign felonies and handle misdemeanors and lesser offenses as well as civil lawsuits involving claims of up to \$15,000. District Court judges are elected to six-year terms.

In 2007, there were a total of **1,284,273** filings and **1,198,887** dispositions in the city and district courts. **FIGURE C** shows filings by case type; **TABLE 10** contains a breakdown of filings by location and case type.

FIGURE C

CITY & DISTRICT COURT FILINGS BY CASE TYPE – 2007

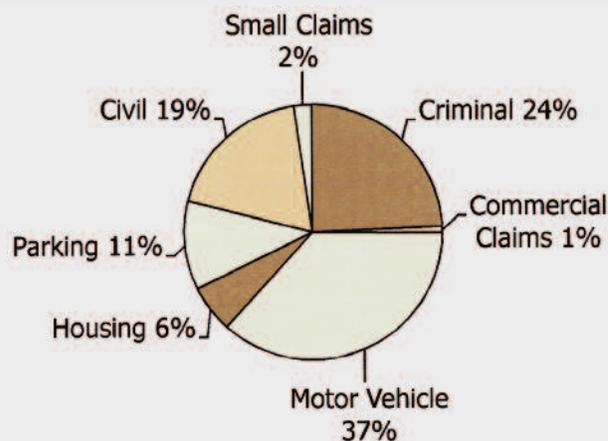


TABLE 10

CITY AND DISTRICT COURTS: FILINGS BY CASE TYPE – 2007

	Total Filings						1,284,273
Location	Criminal	MV	Parking	Civil	Small Claims	L&T *	Commercial
TOTAL	311,731	469,771	144,230	240,518	29,670	77,209	11,144
Albany	8,785	27,921	0	5,340	864	4,181	223
Amsterdam	1,107	2,908	0	1,223	156	279	21
Auburn	1,483	3,004	964	1,448	349	732	57
Batavia	1,111	2,437	125	544	144	121	49
Beacon	652	3,454	0	651	124	166	37
Binghamton	4,265	4,361	2,689	4,161	515	1,372	269
Buffalo	20,455	3,619	0	22,922	2,891	8,321	965
Canandaigua	944	3,210	7	1,499	120	91	32
Cohoes	1,648	3,621	0	687	97	365	12
Corning	1,096	3,105	79	1,058	98	130	65
Cortland	2,227	2,797	722	1,017	130	190	37
Dunkirk	1,062	925	447	771	141	72	69
Elmira	5,141	3,757	0	1,947	298	845	104
Fulton	886	2,345	39	1,673	107	203	14
Geneva	1,063	3,103	0	564	63	215	5
Glen Cove	1,099	4,017	2,934	9	95	152	37
Glens Falls	1,832	3,292	342	1,260	149	200	47
Gloversville	1,069	1,856	101	661	167	380	32
Hornell	659	1,248	0	434	74	219	13
Hudson	1,092	1,279	0	564	93	113	84
Ithaca	2,397	6,202	1,709	1,192	238	560	89
Jamestown	3,103	2,937	1,283	2,249	303	272	94
Johnstown	522	1,455	6	582	90	50	32
Kingston	2,103	5,890	76	1,878	302	855	152
Lackawanna	1,647	4,253	80	585	186	344	84
Little Falls	312	841	0	305	164	27	32
Lockport	1,530	7,302	0	2,308	200	186	55
Long Beach	3,089	3,992	16,000	1	79	213	8
Mechanicville	439	993	1	329	93	97	67
Middletown	2,029	5,953	238	1,779	288	658	127
Mount Vernon	6,064	12,088	0	3,148	348	2,747	129
Newburgh	4,905	7,154	1,851	2,332	226	1,443	69
New Rochelle	4,966	19,123	74,978	3,150	385	1,065	189
Niagara Falls	6,406	12,669	14,491	3,392	629	1,321	264
North Tonawanda	1,604	4,995	0	1,205	230	320	43
Norwich	570	457	28	932	104	48	65
Ogdensburg	1,055	1,003	0	1,611	115	83	131
Olean	917	1,904	22	909	117	112	40
Oneida	1,000	2,428	101	1,444	90	68	59
Oneonta	1,058	1,279	729	388	197	51	61
Oswego	1,414	3,470	41	1,356	253	84	26
Peekskill	3,014	3,991	0	696	167	360	35
Plattsburgh	1,418	3,995	0	1,368	200	175	110
Port Jervis	1,452	2,816	39	480	72	172	13
Poughkeepsie	3,286	8,638	1,190	2,479	367	1,704	195
Rensselaer	857	2,026	0	750	49	118	43
Rochester	16,881	7,197	0	16,882	2,383	7,264	499
Rome	2,199	8,001	1,201	2,281	221	468	14
Rye	441	3,254	0	115	49	22	111
Salamanca	1,114	1,848	4	318	85	36	18
Saratoga Springs	1,924	5,488	843	2,659	346	163	132
Schenectady	4,884	7,128	546	3,647	596	2,165	125
Sherrill	121	790	0	534	31	1	5
Syracuse	19,210	37,403	0	13,019	1,018	6,231	286
Tonawanda	963	2,773	256	613	183	80	81
Troy	3,116	10,785	0	2,134	293	2,863	40
Utica	6,550	9,583	0	3,288	425	1,070	188
Watertown	2,083	3,151	0	1,624	214	479	82
Watervliet	971	2,609	0	562	77	310	12
White Plains	4,361	26,105	1,843	1,613	565	789	226
Yonkers	14,880	34,458	0	6,218	662	7,177	173
Nassau District	36,710	34,788	9	48,619	4,645	6,737	2,161
Suffolk District	80,490	64,297	18,216	51,111	5,710	9,874	2,607

* Landlord-Tenant

TOWN AND VILLAGE JUSTICE COURTS handle misdemeanors and lesser offenses as well as civil lawsuits involving claims of up to \$3,000 (including small claims cases not exceeding \$3,000). While the majority of cases handled by these courts are minor traffic offenses, drunk-driving cases and zoning violations, town and village Justice Court judges also conduct preliminary felony proceedings. There are approximately 1,277 Justice Courts and 2,200 town and village justices. Town and village justices are elected to four-year terms. Most are not attorneys; non-attorney justices must complete a certification course and participate in ongoing judicial education. (See page 1 for more on New York's town and village Justice Courts.)

ADMINISTRATIVE STRUCTURE

The New York State Unified Court System is administered by the **OFFICE OF COURT ADMINISTRATION (OCA)** under the authority of the Chief Judge. OCA provides financial management, automation, public safety, personnel management and other essential services to support day-to-day court operations.

The Office of Court Administration comprises six divisions: the **DIVISION OF ADMINISTRATIVE SERVICES** purchases goods and services, procures contracts, processes revenues and manages accounts; the **DIVISION OF COURT OPERATIONS** provides support and guidance to trial court operations including alternative dispute resolution and court improvement programs, court interpreting services, legal information, parent education and awareness programs, records management and operational issues related to the American Disabilities Act (ADA); the **DIVISION OF FINANCIAL MANAGEMENT** prepares the judiciary budget and formulates and implements fiscal policies; the **DIVISION OF GRANTS AND PROGRAM DEVELOPMENT** assists court administrators in identifying grant opportunities relating to the operational needs of the courts, also coordinating the submission of grant proposals; the **DIVISION OF HUMAN RESOURCES** is responsible for personnel administration and the delivery of professional development programs for non-judicial employees, also overseeing negotiations with the court system's labor unions and managing the courts' workforce diversity program; the **DIVISION OF TECHNOLOGY** provides automation and telecommunications services to all courts and agencies, including oversight of the Statewide Domestic Violence Registry and the courts' technical support center. In addition, the **DEPARTMENT OF PUBLIC SAFETY** is responsible for developing and implementing uniform policies and procedures to ensure the safety and accessibility of our state courthouses; **COUNSEL'S OFFICE** prepares and analyzes legislation and represents the UCS in litigation; the **INSPECTOR GENERAL'S OFFICE** is responsible for the investigation and elimination of infractions of discipline standards, conflicts of interest and criminal activities on the part of non-judicial employees and individuals or corporations doing business with the courts; the **OFFICE OF COURT FACILITIES MANAGEMENT** provides oversight to localities in relation to the maintenance, renovation and construction of court facilities; the **OFFICE OF COURT RESEARCH** provides caseload activity statistics, jury system support and operations research to all UCS courts; the **OFFICE OF INTERNAL AFFAIRS** conducts internal audits and investigations to support the attainment of long-term UCS goals; the **OFFICE OF JUSTICE COURT SUPPORT** provides oversight of local town and village Justice Courts; the **COMMUNICATIONS OFFICE** serves as the courts' liaison to the media, responding to press inquiries, issuing news advisories and releases; the **OFFICE OF PUBLIC AFFAIRS** coordinates communications and public education programs with other governmental entities, the public and the bar.

FISCAL OVERVIEW

Unified Court System 2007-2008 Budget

THE UNIFIED COURT SYSTEM BUDGET is based upon a fiscal year that runs from April 1 through March 31. The budget is presented by the Chief Administrator (Chief Administrative Judge) to the Court of Appeals for approval and certification by the Chief Judge. In accordance with Article VII, Section 1 of the State Constitution, the budget is then transmitted to the Governor for submission to the Legislature. Appropriations of \$2.5 billion were approved by the Legislature for the State Judiciary for the 2007-2008 fiscal year. This sum includes funding for additional judicial resources for the state's City Courts, pursuant to the provisions of Chapter 493 of the Laws of 2006. The sum of \$10 million, including \$5 million in local assistance funding, was included to begin implementation of the UCS Action Plan for Town and Village Courts (see page 1).

Revenues Collected for the Year 2007

IN 2007, THE COURT SYSTEM COLLECTED fines and fees totaling \$546.2 million. These monies include fees for services provided by the courts' Criminal History Search Unit, which since 2003 has sold statewide criminal history public records that include felony and misdemeanor convictions from all 62 New York counties. By law, the Office of Court Administration is solely responsible for the sale of such records produced by a search of its electronic database, charging a \$52 fee per name searched. Revenue from each search request is allocated as follows: \$27 to the Indigent Legal Services Fund; \$9 to the Legal Services Fund; and \$16 to the Judiciary Data Processing Offset Fund. For calendar year 2007, the Criminal History Search Unit received \$63,594,336 for criminal history record searches.

Under Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR Part 118) every attorney admitted to practice in New York must file a biennial registration form. Attorneys actively practicing law in New York State or elsewhere must, upon registering, pay a \$350 fee, allocated as follows: \$60 to the Lawyers' Fund for Client Protection to support programs providing restitution to clients of dishonest attorneys; \$50 to the Indigent Legal Services Fund to cover fees of lawyers serving on 18-b panels, representing indigent defendants; \$240 to the Attorney Licensing Fund to cover the cost of the Appellate Division attorney admission and disciplinary programs. In 2007, the court system collected \$29,907,750 in attorney registration fees.

LEGISLATIVE UPDATE

THE OFFICE OF COUNSEL is the principal representative of the Unified Court System in the legislative process, responsible for developing the Judiciary's legislative program and providing the Legislative and Executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. The office drafts legislative measures on behalf of the Unified Court System, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law, as well as measures on behalf of the Chief Judge. Additionally, the office staffs the Chief Administrator's advisory committees on civil practice; criminal law and procedure; family law; estates and trusts; and the local courts, which formulate legislative proposals in their respective areas.

During the 2007 legislative session and with the assistance of the advisory committees, counsel's office prepared and submitted 87 measures for legislative consideration. Eighteen of these measures were enacted into law. The office also furnished the Governor's counsel with analyses and recommendations on 60 measures awaiting executive action.

MEASURES ENACTED INTO LAW IN 2007

CHAPTER 40 (Senate bill 3908/Assembly bill 737). Amends CPLR 7009(a)(2) to require that Family Court be represented by the state attorney general in habeas corpus proceedings. Effective 5/29/07

CHAPTER 70 (Senate bill 3739/Assembly bill 7450). Amends section 15-108 of the General Obligations Law in relation to the impact of settlements in civil litigation upon parties remaining in an action. Effective 7/4/07

CHAPTER 71 (Senate bill 4036/Assembly bill 7372). Amends section 1726 of the Surrogate's Court Procedure Act to clarify whether a hearing must be held as a predicate to the appointment of a standby guardian or a guardian in accordance with its provisions and to confirm that the court can, in its discretion, dispense with such a hearing. Effective 6/4/07

CHAPTER 127 (Senate bill 4246/Assembly bill 7369). Amends section 849-i of the Judiciary Law to raise the annual grant ceiling applicable to the Justice Court Assistance Program from \$20,000 to \$30,000. Effective 7/3/07

CHAPTER 136 (Senate bill 4245/Assembly bill 8188). Amends CPLR 2302(b) to permit a New York City Civil Court judge to compel the courtroom attendance of an incarcerated person in a case that has come before the civil court on transfer down from the Supreme Court pursuant to CPLR 325(d). Effective 7/3/07

CHAPTER 137 (Senate bill 4538/Assembly bill 8193). Amends sections 530.12(1) and 530.13(1) of the Criminal Procedure Law to expressly authorize a criminal court to issue a temporary order of protection where the defendant in the case has been remanded. Effective 7/3/07

CHAPTER 185 (Senate bill 3559/Assembly bill 8186). Amends rules 2214 and 2215 of the CPLR to modify elements of cross-motion practice. Effective 7/3/07

CHAPTER 192 (Senate bill 3907/Assembly bill 8192). Adds a new section 2303-a to the CPLR in relation to service of a trial subpoena upon a party. Effective 1/1/08

CHAPTER 205 (Senate bill 4212/Assembly bill 8190). Amends section 2308(a) of the CPLR to increase the maximum penalty for disobeying a judicial subpoena to \$150. Effective 1/1/08

CHAPTER 223 (Senate bill 5855/Assembly bill 8514). Makes a technical correction removing an improper and inoperative cross-reference in Court of Claims Act section 11(c) in relation to verification of claims. Effective 7/3/07

CHAPTER 321 (Senate bill 4257/Assembly bill 7374). Expands the authority of the Chief Administrative Judge to temporarily assign judges and justices to Justice Courts. Effective 7/18/07

CHAPTER 369 (Senate bill 6135/Assembly bill 9155). Expands the electronic filing pilot program by adding to the selected jurisdictions in which the program is permitted in Supreme Court and Surrogate's Court; and extending the program to a narrowly defined class of cases (i.e., those involving claims brought by health care providers against insurers who fail to comply with Insurance Department regulations governing prompt payment in no-fault automobile disputes) in the NYC Civil Court. Effective 7/18/07

CHAPTER 448 (Senate bill 3785/Assembly bill 8856). Amends section 54-j of the State Finance Law to provide counties 100% state reimbursement for costs incurred in providing local chambers for judges of the Court of Appeals residing in the county. Effective 8/1/07

CHAPTER 458 (Senate bill 4210/Assembly bill 8630). Adds a new section 1320 to the Real Property Actions and Proceedings law and amends CPLR 3215(g)(3)(iii) to provide additional notice to mortgagors that a foreclosure action has been commenced. Effective 8/1/07

CHAPTER 462 (Senate bill 4780-A/Assembly bill 8629). Amends the Family Court Act to clarify the law regarding procedures for revoking paternity acknowledgments. Eff. 10/30/07

CHAPTER 488 (Senate bill 5967/Assembly bill 8748). Amends section 2307-a of the Surrogate's Court Procedure Act in relation to commissions of an attorney/executor. Eff. 8/31/07

CHAPTER 529 (Senate bill 3563/Assembly bill 8978). Amends section 2001 of the CPLR to permit a court to correct or ignore certain mistakes or omissions occurring at commencement of an action. Effective 8/15/07

CHAPTER 541 (Senate bill 4542-A/Assembly bill 8854-A). Amends the Family Court Act and the Criminal Procedure Law to add criminal mischief to the list of offenses over which courts of family and criminal jurisdiction may exercise concurrent jurisdiction. Effective 11/13/07

RULES OF THE CHIEF JUDGE ADDED OR AMENDED DURING 2007

SECTION 7.2 of the Rules of the Chief Judge was added, effective October 17, 2007, to delineate the responsibilities of law guardians for children.

SECTION 19.1 of the Rules of the Chief Judge was amended, effective November 15, 2007, to increase to 25 days per year the amount of annual leave for judges who have served for more than five years.

SECTION 34.2(B)(3) of the Rules of the Chief Judge was amended, effective March 21, 2007, to clarify the definition of minor repairs.

SECTION 36.2(D)(2) of the Rules of the Chief Judge, was amended, effective January 1, 2008, to raise the eligibility ceiling to \$75,000 in annual compensation received for court appointments.

RULES OF THE CHIEF ADMINISTRATIVE JUDGE ADDED OR AMENDED DURING 2007

SECTION 100.5(A)(4)(F) of the Chief Administrator's Rules Governing Judicial Conduct was amended, effective October 24, 2007, to adjust the time by when candidates for judicial office must attend an education program.

PARTS 102 AND 126 of the Rules of the Chief Administrator were amended, effective November 15, 2007, to authorize the compensation to be paid to town and village justices who are temporarily assigned to other courts.

SECTION 130-1.1-A(B) of the Rules of the Chief Administrator was amended, effective January 10, 2007, to deem the signature on an initial pleading to be the signatory's certification that the matter was not obtained in violation of law and rules.

PART 138 of the Rules of the Chief Administrator was amended, effective October 16, 2007, to make adjustments in the rules governing the Justice Court Assistance Program.

SECTION 144.3 of the Rules of the Chief Administrator was amended, effective May 15, 2007, to exclude from the Parent Education and Awareness Program proceedings where there are allegations of domestic violence.

APPENDIX A OF PART 150 of the Rules of the Chief Administrator was added, effective February 13, 2007, to establish uniform guidelines and procedures for the operation of the Independent Judicial Election Qualification Commissions.

SECTION 202.7(F) OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS was amended, effective February 13, 2007 and June 11, 2007, to clarify when applications for a temporary restraining order have to be accompanied by the giving of notice.

SECTION 202.8(H) OF THE UNIFORM RULES FOR THE SUPREME AND COUNTY COURTS was amended, effective November 7, 2007, to clarify how judges are to prepare their quarterly reports of pending civil motions.

SECTION 202.48(C)(2) OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS was amended, effective September 1, 2007, to require proposed counter-orders to be annotated to show changes from proposed orders submitted for signature.

SECTION 202.70(A) OF THE UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS was amended, effective March 26, 2007, August 9, 2007 and November 28, 2007, to expand and raise the monetary thresholds of jurisdictions covered by the rules governing the Commercial Divisions.

SECTIONS 205.3, 205.17, 205.48, 205.49, 205.52, 205.55, 205.81 AND 205.86 OF THE UNIFORM RULES FOR THE FAMILY COURT were amended, effective February 13, 2007, to make technical changes to conform to recent changes in statutes.

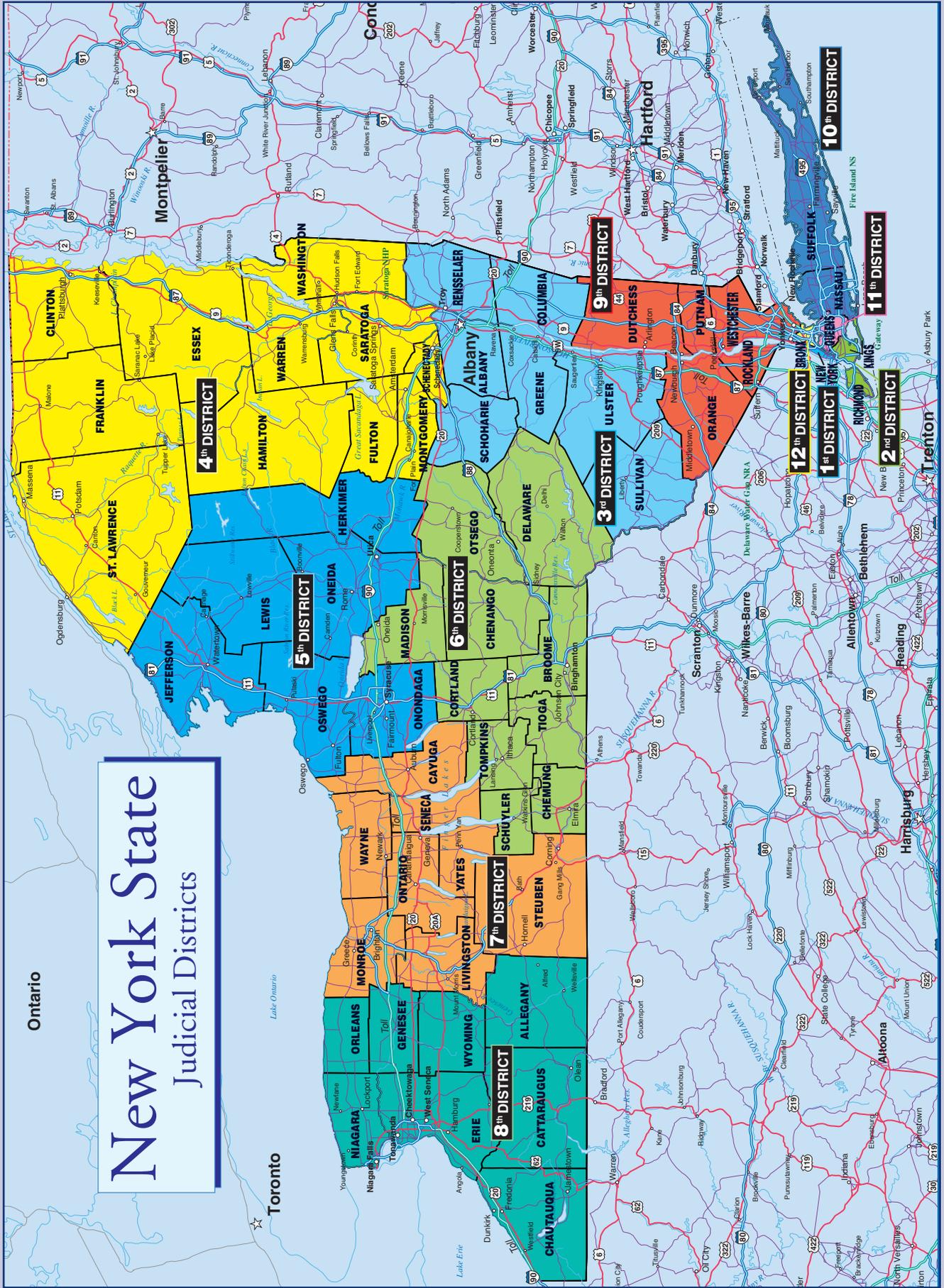
SECTION 205.7-A OF THE UNIFORM RULES FOR THE FAMILY COURT was added, effective October 16, 2007, to authorize electronic transmission of orders of protection in certain family courts.

SECTION 205.66(A) OF THE UNIFORM RULES FOR THE FAMILY COURT was amended, effective November 16, 2007, to add to conditions of probation and suspended judgment for Persons in Need of Supervision restitution for damage to cemeteries.

SECTION 210.6 OF THE UNIFORM CIVIL RULES FOR THE CITY COURTS was amended, effective August 9, 2007, to delete the subdivision requiring the filing of proof of service of the summons.

PART 217 OF THE UNIFORM RULES OF THE TRIAL COURTS was added, effective October 16, 2007, to prescribe access to court interpreter services for persons with limited English proficiency.

New York State Judicial Districts





NEW YORK STATE

Unified Court System