

Report of
The Civil Court of the City of New York
January 1, 1997 - December 31, 2006

**A DECADE OF CHANGE AND CHALLENGE IN
“THE PEOPLE’S COURT”
1997-2006**



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Chief Judge

Jonathan Lippman
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City of New York

Civil Court Of the City of New York

2006

FERN A. FISHER
Administrative Judge

JACK BAER
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DEPUTY CLERKS

ERNESTO BELZAGUY
First Deputy Chief Clerk

MYLES McKENNA
Deputy Chief Clerk

JOSEPH GEBBIA
Deputy Chief Clerk
Small Claims

SUPERVISING JUDGES

HON. LAURA DOUGLAS
Bronx County - Civil Court

HON. HOWARD SHERMAN
Bronx County - Housing Court

HON. KAREN B. ROTHENBERG
Kings County

HON. MARTIN SHULMAN
New York County- Civil Court

HON. ERNEST CAVALLO
New York County - Housing Court

HON. JEREMY S. WEINSTEIN
Queens County

HON. PHILIP S. STRANIERE
Richmond County

CLERKS OF THE COUNTY

JOSEPH MONASTRA
Bronx County

STEWART FEIGEL
Kings County

MARY LEE ANDRONACO
New York County

THOMAS TOUHEY
Queens County

LORRAINE KENNY
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PREFACE

On January 1, 1997, I was honored to become the tenth Administrative Judge of the Civil Court of the City of New York. Ten years have passed and I have served the longest tenure of any of my predecessors. I am pleased to present this report highlighting the past decade in the Civil Court.

During my administration, the Court has faced some of the most demanding challenges and experienced some of the most interesting changes of any period during its history. Most notably, we have implemented the "Housing Initiative," opened additional courthouses, significantly expanded services and Court programs for *pro se* litigants, managed tremendous increases in civil filings and confronted unique challenges posed by 9/11 and the wars in Afghanistan and Iraq. With the support of highly capable and caring judicial and non-judicial staff, the Civil Court has met the challenges with a high level of enthusiasm and professionalism. As a result of the dedicated service of those who work in the Court, as well as those who support the Court, we have provided truly superior service to the people we serve.

The past decade has been a memorable time in the Civil Court's history. For me personally, these have been the most fulfilling years of my professional life. My time as Administrative Judge has thus far been extremely rewarding and productive due to the efforts of Jack Baer, my wonderful and steady Chief Clerk, my entire administrative staff, and each and every one of the 1200 Civil Court employees who are the true foundation of this Court. I have enjoyed and continue to enjoy the privilege of working with my Court family as we serve the greatest people in the World, the citizens of the City of New York.



A handwritten signature in black ink, appearing to read "J. Baer".

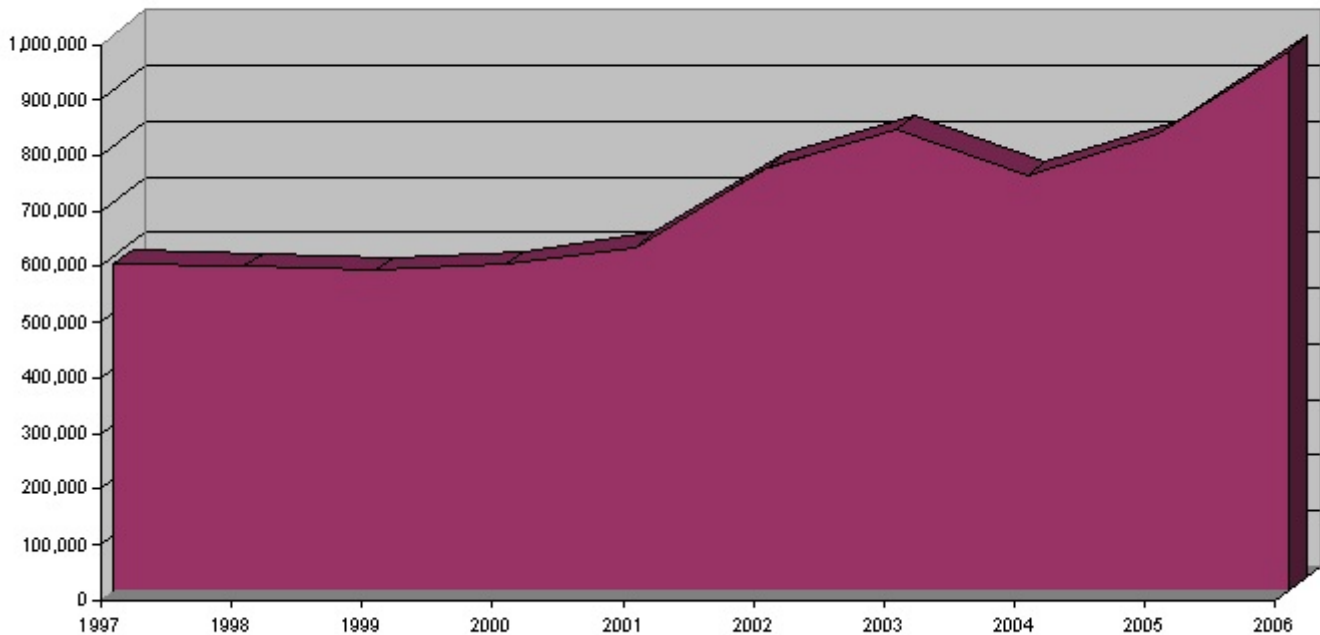
December 2006

INTRODUCTION

The Civil Court of the City of New York operates in seven courthouses throughout Manhattan, Bronx, Kings, Queens and Richmond county. It comprises three separate and distinct Parts: Housing, Civil and Small Claims. The Civil Part hears civil cases involving amounts up to \$25,000. The Housing Part hears landlord-tenant matters and proceedings for the correction of housing code violations. The Small Claims Part hears informal disputes not exceeding \$5,000. The Civil Court's caseload has experienced considerable growth and change over the past decade.

As demonstrated in the chart below, in 1997, there were approximately **587,850** filings in the Civil Court. In 2006, there were approximately **970,710** filings in the Civil Court. Today, the Court handles close to 25% of the filings of the entire New York State Court System's Trial Courts.

NYC CIVIL COURT FILINGS



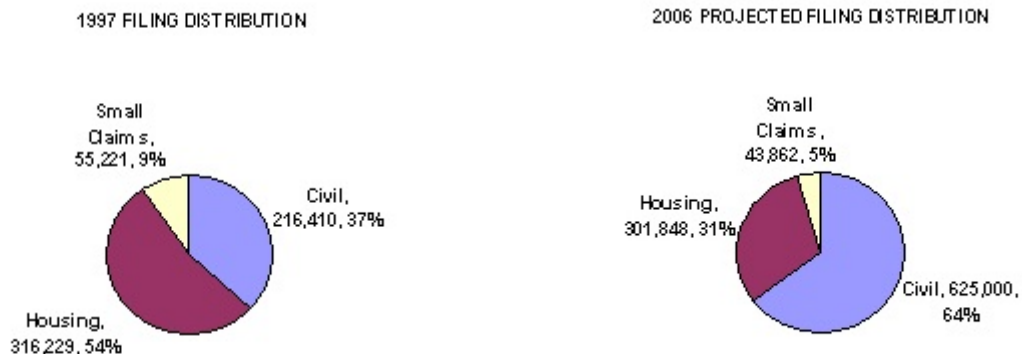
We are, indeed, by filings, the largest Civil Court in this country, if not in the world. We would not be able to handle this workload without the unquestionable dedication and professionalism of our staff.

Running such a busy Court efficiently requires continual direction and ongoing assessment of procedures and implementation of changes. Since 1997, we have issued 35 Directives and Procedures (DRP), 30 Chief Clerk's Memorandums (CCM), 15 Legal Statutory Memorandums (LSM.), and 6 Advisory Notices (AN). During the past decade, a review and update of all previously issued Directives was undertaken. The

Directives were posted on the Civil Court’s website and archived on a secure network drive. Included throughout this report are summaries of the most important Directives.

At the start of the current administration “The Housing Court Program: Breaking New Ground,” required implementation. This significantly changed how we handle housing cases. This program, which was known as the “Housing Initiative,” was called for by our innovative Chief Judge Judith S. Kaye to offer better and more efficient services to housing litigants. Part I, “Housing,” of this report outlines these changes in how we do business and the additional resources we received which enabled us to create a far more satisfying experience for the owners and tenants who require our aid in resolving their differences.

During the past five years we have experienced an unexpected increase of more than 300% in our general Civil filings, primarily due to consumer credit and “no fault” litigation. Ten years ago the majority of the cases filed in the Civil Court were in the Housing Part. The 1997 filing distribution chart below shows the proportion of actions and proceedings filed in each Part of the Court during 1997: Civil - 37%, Housing - 54%, and Small Claims - 9%.



The 2006 filing distribution chart above shows entirely different proportions: Civil - 64%, Housing - 31% and Small Claims - 5%. The staggering increase in civil filings, which is discussed in greater detail in Part II, “Civil,” of this report, has posed innumerable challenges to all of our staff and operations.

As discussed in Part IV, “Access to Justice,” and Part V, “Court Programs and Initiatives,” of this report, a primary commitment these past ten years has been to provide improved and higher levels of quality service to our litigants, most of whom are self-represented. To fulfill this commitment, Resource Centers, a Volunteer Lawyers Project, training videos and materials, a trilingual website, an internet based answer program for nonpayment petitions, a Guardian Ad Litem Program and a Mediation Program, and much more, have been developed and implemented. Furthermore, in recognition that the Court must be a full partner in resolving society’s most pressing

problems, partnerships have been formed with nonprofit and government agencies, bar associations and law and social work schools to prevent homelessness, protect senior citizens and to increase access to attorneys for the under-served population.

As discussed in Part VI, “Facilities,” of this report, with the support of the City of New York, two new courthouses were opened and others were improved. Furnishings and technology have been upgraded, creating a better environment for both personnel and the public.

Part VII, “Record Storage,” of this report outlines the management strategies which were required to cope with the volume of files due to the tremendous increase of civil filings. We continue to handle this increase with truly impressive results, despite little to no increase in staffing.

The coming decade will continue to bring many new challenges and changes for the Civil Court. Part VIII, “The Next Decade,” of this report outlines some aspirations for the future.

Over the past decade, the Civil Court has experienced substantial changes, challenging the current administration to find solutions. Included in this report are summaries of the most significant highlights of our endeavors to address these challenges.

PART I: HOUSING

Once compared to a Calcutta bazaar by former Chief Judge Sol Wachtler, the Housing Part (Housing Court) operated in the same manner since its inception in 1973. This resulted in an ingrained Court culture that was subjected to extensive criticism which included complaints regarding delays in case dispositions, particularly trials, perceptions of bias, and the lack of access to justice for self-represented litigants. From 1973 through 1997 resources allocated to the Housing Part saw little growth and personnel was increased at a snail's pace. Filings also remained steady, averaging approximately 315,000 each year, up until 2002 and 2003 when Housing Authority cases caused filings to rise to 370,000 due to rules that required quick collection of rent, resulting in multiple proceedings against the same tenant. By 2004, the NYC Housing Authority had corrected its procedures and Housing Court's caseload normalized.

Early in 1997, Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman recognized the vital role that the Housing Court plays in the lives of New Yorkers and determined that it required substantial change. With the recognition of the importance of the Housing Court came an infusion of resources and personnel. Together with Deputy Administrative Judge for Management Support, Judge Ann Pfau, Civil Court Administration worked to transform the Housing Court. These efforts culminated in the announcement of the "Housing Initiative" in September 1997 by Chief Judge Judith S. Kaye. The Initiative focused on three areas: effective case-management, specialized Parts, and improved access for litigants. Many of the highlights of the Housing Initiative, as well as subsequent improvements to the Housing Court, are set forth below.

- **EFFECTIVE CASE MANAGEMENT**

The following measures were implemented over the past ten years to decrease delays and facilitate effective case management in the Housing Parts:

- ***Increased and New Personnel*** - In 1997, the legislature increased the number of Housing Judges from 40 to 50. In an attempt to bring negotiations of stipulations in the hallways under Court supervision and to increase the number of Court Attorneys in the Resource Centers, the number of Court Attorneys rose from 41 in 1997 to the present 87.

A new position, **Resource Assistant**, was developed to provide support to Judges and to assist in resolving disputes. There are 13 Resource Assistants currently on staff. At a Judge's request, Resource Assistants may do the following:

- Act as liaisons in obtaining necessary related information from government agencies.
- Check data-bases.

- Complete inspection requests and schedule inspections.
- Discern if conditions or repairs exist in an apartment and report back to the Judge.

The Resource Assistants are primarily used to visit apartments to resolve disputes over repairs.

- **Improved Oral Answer Form** - In 1997, the Court replaced the archaic practice of recording oral nonpayment answers in handwriting (often illegible) on the face of petitions. A comprehensive triplicate check-off answer form was developed and introduced. The triplicate form

CIVIL COURT OF THE CITY OF NEW YORK
County of Housing Part Index No.: _____

LANDLORD/TENANT
ANSWER IN PERSON

-against- Petitioner(s) Address: _____
Respondent(s) _____ Apt. _____

Respondent has appeared and has orally answered the Petition as follows:
ANSWER

SERVICE

1. _____ The Respondent did not receive a copy of the Notice of Petition and Petition.
2. _____ The Respondent received the Notice of Petition and Petition, but service was not correct as required by law.

PARTIES

3. _____ The Respondent is indicated improperly, by the wrong name, or is not indicated on the Notice of Petition and Petition.
4. _____ The Petitioner is not the Landlord or Owner of the building, or its proper party.

RENT

5. _____ No rent demand or proper rent demand, either oral or written, was made before this proceeding.
6. _____ The Respondent tried to pay the rent, but the Petitioner refused to accept it.
7. _____ The monthly rent being requested is not the legal rate or the amount in the current lease.
8. _____ The Petitioner gave money to the Respondent because of a rent overcharge.
9. _____ The rent, or a portion of the rent, has already been paid to the Petitioner.

APARTMENT

10. _____ There are conditions in the apartment which need to be repaired and/or services which the Petitioner has not provided.
11. _____ Public Assistance shelter allowance has stopped because of housing code violations in the apartment or the building.
12. _____ The apartment is an illegal apartment.

COURT

13. _____ Lack of.
14. _____ General Denial.
15. _____ Other Answer: _____

Date: _____ Clerk's Initials: _____

NOTICE OF SCHEDULED APPEARANCE
This case is scheduled to appear on the calendar as follows:
DATE: _____ TIME: _____ PART: _____ ROOM: _____

YOU SHOULD ARRIVE AT THE COURTHOUSE AT LEAST ONE HALF HOUR BEFORE THE ABOVE SCHEDULED TIME TO ALLOW TIME TO BE PROCESSED THROUGH THE METAL DETECTORS. IF A SETTLEMENT IS NOT REACHED ON THE ABOVE SCHEDULED DATE THE CASE MAY BE SENT TO A TRIAL-READY PART FOR A TRIAL. IF YOU WILL NOT BE READY FOR TRIAL ON THE ABOVE SCHEDULED DATE, YOU MUST ASK THE COURT FOR ANOTHER TRIAL DATE. IF THE COURT DOES NOT ACCEPT YOUR REASON FOR NOT BEING READY FOR TRIAL, AND YOUR REQUEST FOR ANOTHER TRIAL DATE IS DENIED, YOU MAY BE REQUIRED TO PROCEED TO TRIAL IMMEDIATELY.
THE CLERK CANNOT CHANGE THE SCHEDULED DATE OR TIME.
YOU MUST APPEAR AND BRING THIS FORM WITH YOU.

For assistance visit a Resource Center to the courthouse or the court's website: NVCourts.Gov/NYCHousing.
CJNS-1790 (Revised May 2006)

accomplished a number of important goals: legible answers, a time efficient process of recording answers, and for the first time the respondent can be provided with a copy of his or her oral answer. In 2003, at our request RPAPL § 743 was amended to permit the Clerk to

make a record of the respondent's oral answer and maintain it in the case record, rather than to endorse it on the petition. The triplicate answer form is used to make this record of the respondent's oral answer.

- **Improved Judgment Form** - In early 2005, in anticipation of the changes to the HCIS, and concerns regarding consumer credit reports, the landlord-tenant judgment form was redesigned. The various forms used for Failure to Answer, Holdover, Nonpayment and Dismissal judgments were discontinued. The new Judgment Form provides spaces for the Clerk to specify the kind of judgment, the amount of money due, and the party(ies) against whom it was entered, as well as which respondent(s) if any, were severed from the proceeding.
- **Elimination of the Central Calendar System** - The general intake part, Part 18, with its large cattle-like calendar calls, was eliminated. Historically, adjournments were unmonitored and cases lingered in Part 18. Cases typically did not arrive at the assigned Judge's courtroom till late morning, increasing the time litigants had to spend in Court. Cases are now assigned directly to a Part at inception or joinder. This allows the cases to be conferenced earlier and parties spend less time in Court. Delays in the disposition of cases have been decreased.
- **Computerization of Case Assignments** - Cases are now assigned randomly by computer, removing the human element from the assignment of cases and decreasing the possibility of uneven or tainted assignment of cases.
- **Staggered Calendars** - Prior to 1998, all cases were scheduled for 9:30 AM. Now cases are scheduled in the Resolution Parts for 9:30 AM, 11:00 AM and 2:00 PM, decreasing crowding in the courtroom and spreading the Judge's workload throughout the day. The necessity of litigants coming to Court for morning cases to stay into the afternoon due to overcrowded calendars has been virtually eliminated.
- **Resolution Parts** - Prior to 1997, after assignment, Judges handled cases for both settlement and trial purposes. This manner of handling cases resulted in Judges devoting insufficient time to settling cases and delays in trials. Judges often tried cases on non-consecutive days and trial backlogs were not uncommon. Resolution Parts were established where cases are now settled and motions are heard and resolved. Additional Court Attorneys were assigned to Resolution Parts to increase the Court's ability to bring negotiations from the hallways under Court supervision. Resource Assistants were hired to assist Resolution Judges with collecting information necessary to resolve cases. If the case cannot be settled, then it is sent to a Trial Part.
- **Trial Parts** - Only trial ready cases are referred to the Trial Parts which has minimized the backlog of trials before Trial Judges. Most cases are tried consecutively and the wait for a trial date has been tremendously reduced. Delays in receiving trial dates occur mostly during vacation

periods.

- ***Pre-answer Motions*** - Initially, a Pre-answer Motion Part was established. However, this was changed in 2001 to assign all pre-answer motions to the Resolution Parts. We found that a separate Part was not conducive to resolving cases and it was more efficient to have one Judge handle the entire case up to the point of trial.
- ***Rotation of Judges*** - Judges are rotated yearly from Resolution Parts to Trial Parts and from non-specialty Resolution Parts to specialty Resolution Parts. Periodically, Judges are also rotated to different boroughs. The rotation of Judges distributes the workload of the Court evenly, provides Judges with an opportunity to be exposed to all areas of housing law, exposes Judges to the differences in communities, prevents burn-out, and over-fraternization between bench and bar.
- ***Mediation*** - Our experience with mediation provided many lessons. First, classic mediation was not producing agreements that Judges were comfortable with approving, as mediators were most often not familiar with housing law; thus, parties' rights were compromised. This was particularly the case where one side had counsel and the other was self-represented. In addition, the process was time consuming and did not meet the needs of litigants and the Judge's responsibility to efficiently resolve cases. We have learned that mediation is most useful in limited circumstances when both parties are self-represented and have a personal relationship. Cases involving family members, owners of small buildings or owners that live in their own buildings are most appropriate for mediation and mediation still occurs in these types of cases.

- **SPECIALIZED PARTS**

Prior to 1998, an HP Part, City Part, Drug Part and NYCHA Part existed. To these specialized Parts we added the Military Part, Rent Deposit Part and Coop/Condominium Part.

- ***Military Part*** - This Part was established due to the increase in the numbers of individuals being called to military duty and to insure that our members of the military do not fall through the cracks and their rights are fully accorded. In this vein, after the events of September 11, and the wars in Iraq and Afghanistan, LSM-152-A was issued to fulfill the intent of the military law and protect members of the military service, and in Housing, their dependants. The LSM provides a "reasonable" time frame for the filing of non-military affidavits. In July 2006, LSM-163 was issued to reflect the latest change in the military law which provides that a service member can cancel a rental agreement.
- ***Rent Deposit Part*** - The original expectation that rent deposits would tremendously increase based on changes in the law in 1997 was not

realized. There are limited rent deposit applications, but to the extent there are applications for deposits these requests are handled by the special Part.

- **Coop/Condominium Part** - All Coop and Condominium cases are self-identified by the petitioner or petitioner's attorney and then are assigned to the specialized Part. Failures to self-identify now rarely occur. The Part allows the Judge to develop an expertise and focus in this area of the law.

- **COMMUNITY COURTS**

The Civil Court works closely with The Center For Court Innovation with respect to the Harlem Community Justice Center and the Red Hook Community Court. The Harlem Justice Center handles housing cases from zip codes 10035 and 10037, and the Taft and Jefferson Houses and the Red Hook Community Court handles New York City Housing Authority cases from Red Hook East and Red Hook West Houses.

- **ACCESS TO JUSTICE IN HOUSING**

- **Allocutions of Stipulations** - In September 1997, a new kind of directive called an Advisory Notice was issued for the first time. This type of directive spells out a procedure that is strongly advised every Judge follow, but is ultimately left to each Judge's discretion. The AN, titled Allocation of Stipulations in Landlord/Tenant Cases, originally issued in September 1997, and updated October 2006, sets forth a procedure for the allocation of a stipulation of settlement when one party is appearing *pro se*, so that these litigants are more likely to understand the consequences to which they have agreed.

Numerous other measures and programs have been implemented to increase access to justice in the Housing Part. The details of these efforts are set forth in the Access to Justice and Court Programs and Initiatives sections of this report. The most significant efforts in the Housing Court were:

- **Resource Centers for the Self-Represented**
- **Informational Videos and Publications**
- **Volunteer Lawyers Project**
- **Guardian Ad Litem Program**
- **Lawyer for the Day Pilot Project**
- **Law Student Advocate Pilot Program**
- **Senior Citizen Counsel Program**
- **The Housing Help Program**
- **The Non-Payment Answer Program**

PART II: CIVIL

From 1997 - 2001, the Civil Part of the Court stayed relatively stable as filings averaged around 200,000 cases each year. However, during the past five years, the Court experienced an unexpected increase of over 300% in general civil filings, with approximately 625,000 filings in 2006. This staggering increase posed innumerable challenges to staff and operations, and required new management strategies to cope with the volume of files.

Over the past decade, 14 Directives and Procedures (DRP), 12 Chief Clerk's Memorandums (CCM), 18 Legal Statutory Memorandums (LSM), and 1 Advisory Notices (AN), were issued which affect the Civil Part. Some were issued in response to changes in the law; some were issued in an effort to run the Court more efficiently, while others were issued in response to the explosive increase in civil filings.

A number of the most significant challenges and changes to the Civil Part are discussed below.

- **FILING FIRST COURT**

Prior to September 2005, the Civil Court was a "service first" Court. The summons and complaint were served on the defendant, then filed with the Court within 14 days. In many cases, the summons and complaints were not filed with the Court and when defendants answered we had no file to join issue. Between 2000 and 2002, in Kings county alone, we had 1200 answers with no summons and complaints filed. In October of 2002, we proposed to the Local Court Advisory Committee that the Civil Court Act be amended to make the Civil Court a "filing first" Court. This proposal was accepted and led to the enactment of the filing first rules.

As of September 2005, the Civil Court Act was amended to require the filing of a summons and complaint, notice of petition and petition or order to show cause and petition with the Clerk of the Court before the papers can be served. LSM.-157 was issued to detail all the changes in filing-first procedures: third-party summonses, the 120-day rule, interest, statute of limitations, etc. This was a major change for the Civil Court, and will allow easier processing of filings when electronic filing is ultimately implemented. In the meantime, this change significantly increased work for the Clerks since affidavits of service now have to be filed separately.

- **REORGANIZATION OF CIVIL PARTS**

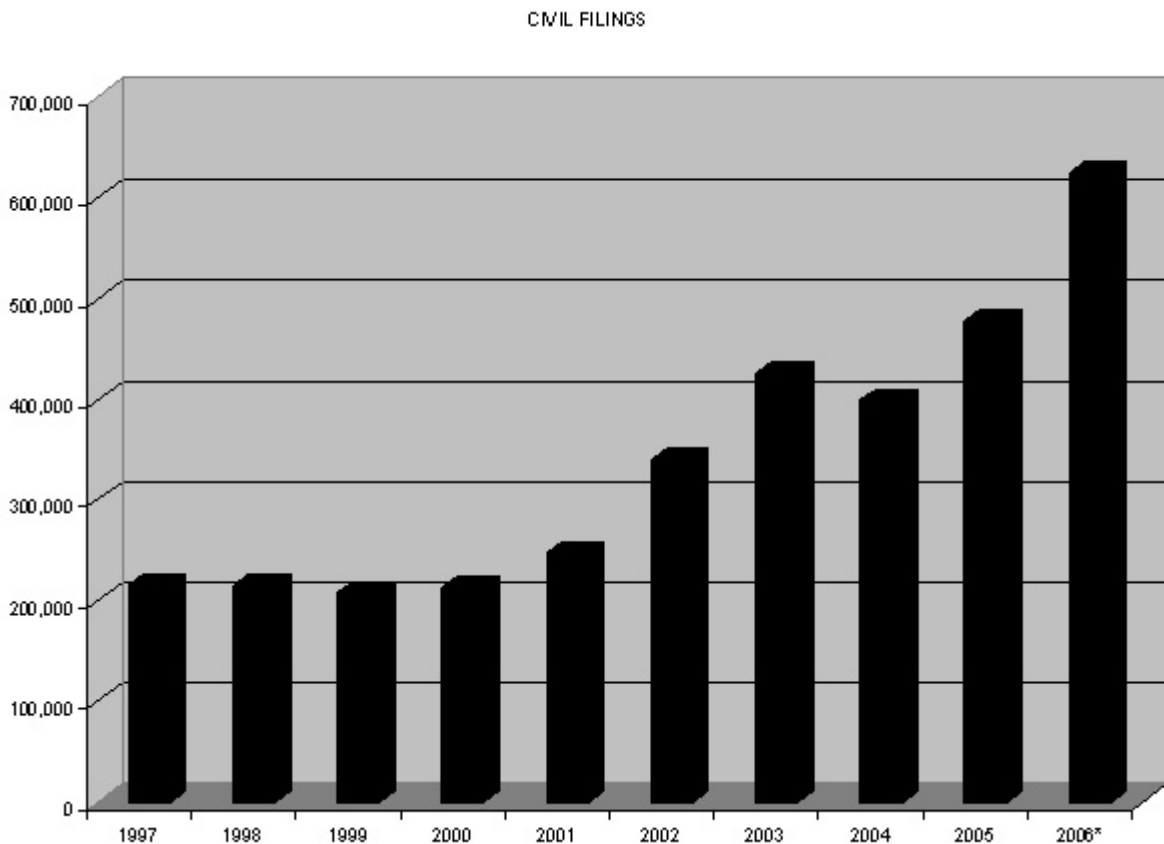
In an effort to achieve uniformity throughout all the New York City Civil Courts, DRP-161 was issued in September 2002 to reorganize the Civil Part. This directive created the current system of case assignment and Parts. It provided a system for separating the cases by type, and assigned specific Parts for each

type of case. Most importantly, it made a uniform system of case assignment in all the counties of the Civil Court, which had not been the case in the past.

While the intent of the directive was to create uniformity, it was also intended to allow Administration to track the kinds of cases that were being heard and calendar delays for specific types of cases.

- **GROWTH OF CIVIL FILINGS**

As stated previously, general civil filings exploded over the past five years. Most of the filings involve consumer credit transactions, as well as nearly 20% of filings coming from “no fault” cases.



The enormous growth in civil filings has had a huge impact on the Clerks, and staggering ramifications on operations. Each filing requires the Clerks to take time to handle the fiscal transaction, input information into the computer system, initially file and retrieve the file again as needed, assign the case to calendars, note dispositions on the calendars, prepare judgments, and handle all the other related paperwork, such as exemplifications. Judges also must handle motions,

conference and try cases, and write decisions. This work, which we have measured for statistical purposes, has greatly increased our staff's responsibilities. Besides all of this usual office work, the time spent preparing files for archiving has significantly increased.

- **NO FAULTS**

The Civil Court receives over 100,000 filings a year from no fault litigation. These cases, referred to as no faults, have been generated as a result of changes in the State Insurance Law which require that insurance carriers pay or deny a claim submitted by a medical provider on services rendered to patients within 30 days. Each visit and service rendered, not paid or denied within 30 days, can result in an additional claim by a medical provider against the insurance company. No fault litigation has seen tremendous growth with many firms focusing much of their practice on these cases. Prior to the changes in this law, many of these disputes were handled by outside arbitration, but the law firms have indicated that they prefer to litigate in Court.

These cases, where both sides appear by attorneys, have proven particularly challenging as they involve increased litigation. The escalated caseload in our motion and Trial Parts has resulted in significant increases in the workload of Judges and clerical staff.

In response to the increased litigation in this area a number of measures have been taken to improve efficiency. These include the creation of no fault motion Parts, mandatory preliminary conferences in New York county and issuance of Directives:

- Beginning in January 2004, no fault motion Parts were created to deal with the great number of motions filed due to the increase in no fault filings. The motions are not only large in volume, but also large in size, with many motions being one to two inches thick. This was a filing and reviewing nightmare. In order to cope with the influx of motions which had been added to our Parts 30 and 32 Motion Calendars, we began to segregate the no fault motions into special Parts in New York County, and then in the Bronx, Queens and Richmond. This has enabled us to track the actual number of no fault motions, and adjust the calendars as required by the volume.
- Working with Judge Pfau and her staff, as of January 2006, all no fault cases filed in the Civil Court, New York County, must be noticed for a preliminary conference within 45 days of joinder of issue. At the conferences, discovery schedules are set and settlement is discussed. The preliminary conference forms are available on the website. This procedure was put into place after we successfully requested that the Office of Court Administration institute a change to the Civil Court rules.

Court Rule, 22 NYCRR 208.9 allows preliminary conferences and permits the Administrative Judge to choose the counties in which it is applied. To date, the conferences are only held in New York County.

- In August 2006, DRP-176 was issued to provide a procedure for severing multiple no fault plaintiffs or assignments of claims. The cases often came 'bundled' in terms of multiple plaintiffs or multiple assigned claims. This often led to the entry of separate judgments, motion practice, hearings, etc. It was a major problem for the Court, as the improper joinder of these plaintiffs or causes of action led to one index number having 10 or 20 separate judgments, motion practice, results, etc.
- In August 2006, CCM-167 was issued in recognition of the increase in the volume in the Civil Part and also the changes that will be coming in the next few years. It allows attorneys only, at this time, to purchase index numbers in bulk. A purchase of at least one hundred index numbers can be made at one time. The attorney then 'owns' the index numbers, and can assign them to his/her cases as necessary and file the papers with the Court. This change was made possible by the filing-first amendment to the Civil Court Act, but will be of significant use when electronic filing is approved, as the identifier for the filing is the index number which is assigned to the case prior to the filing. When the case comes into the Court, the index number will route it properly and require little or no clerical work.

- **DEFAULT JUDGMENTS ON HOSPITAL AND ATTORNEY BILLS**

In January 2004, DRP-165 was issued to provide a criteria for the entry of default judgments on hospital and attorney bills. These cases had been a source of trouble for the Court since the change from the old rules of the Civil Court, 2900 et. seq. to the new rules, 22 NYCRR 208 in 1986, which eliminated the procedure that had been followed and left no clear way to enter or reject these applications. The Bar has been following the directive and entry of these judgments has become routine.

PART III: SMALL CLAIMS

The third essentially separate Part of the Civil Court handles small claims cases. While filings in the Small Claims Part (Small Claims Court) have decreased during the past ten years, we have done much to improve the services to our users.

- **SMALL CLAIMS HIGHLIGHTS**

- ***Increase in Arbitrators*** - The vast majority of small claims cases are resolved by our pool of dedicated volunteer Small Claims Court arbitrators who are trained by the Court. During the past decade, the pool has increased from 1200 to over 2300.
- ***Creation of Deputy Chief Clerk Small Claims*** - In 1999, this new position was created to oversee small claims matters.
- ***Increase in Jurisdictional Amount*** - The Civil Court requested that the legislature increase the jurisdictional amount from \$3000.00 to \$5,000.00. As of January 1, 2004, litigants may bring commercial claims, consumer transactions and small claims up to \$5,000.00 in the Small Claims Court.
- ***Case Initiation Through Private Vendors*** - In June 2005, after working with private vendors to ensure quality control, the Civil Court began offering case initiation for small claims over the internet via private vendor websites.
- ***Instructional Video*** - The Civil Court produced an instructional video to assist litigants in completing the small claims form. The video is available on the internet and in the Resource Centers.
- ***Guide to Small Claims Court*** - This Civil Court publication has been updated to remain current and is helpful to litigants throughout the State enabling them to understand how to proceed in a small claims case.

PART IV: ACCESS TO JUSTICE

The Civil Court of the City of New York is one of the busiest Courts in the world with more than 965,000 civil, small claims and housing cases filed in 2006. A large percentage of our Court users are self-represented litigants. Everyday people – merchants, consumers, debtors, creditors, landlords and tenants – come to the Civil Court to resolve their everyday legal problems. The Civil Court is dedicated to providing equal access to fair and efficient justice to all our litigants. We believe that providing information is a pathway toward justice. Over the past ten years, we have offered a variety of community outreach programs and services aimed at bringing information to the community. Through greater access to justice, we ensure that the Civil Court is a Court for all the people of New York City.

- **RESOURCE CENTERS**

Prior to the Housing Initiative, the Civil Court employed four Pro Se Attorneys city-wide to provide legal and procedural information to litigants in Housing Court. The Pro Se Attorneys were stationed behind windows in various Clerk's Offices, making them somewhat inaccessible to the public. In January 1998, the Civil Court's Resource Centers were established to provide services at no cost to self-represented litigants who have cases pending in the Civil Court. These Resource Centers were the first self-represented offices in the state. Today, the Civil Court's six Resource Centers are staffed by a total of nine Resource Center Housing Court Attorneys, four Resource Center Administrators, a Civil Court Attorney one day each week, and Volunteer Lawyers. Approximately 200 visitors come each day to these Resource Centers seeking assistance. Now, all of the Resource Centers are located in offices where the Resource Center Court Attorneys and resources are easily accessible to the public. Visitors are interviewed by the Resource Center Administrator and given written materials and/or referrals to other courts and agencies, when appropriate. No longer separated by a window, litigants meet face to face with the Resource Center Court Attorneys for private conferences inside the Resource Center.



Recently, a **Resource Center Coordinator** was hired who rotates through each Resource Center to provide oversight and coordination. Hours have recently been expanded to include more early mornings and evening hours. The Coordinator also is responsible for the Community Seminar Series.

The Resource Centers offer the following resources:

- **Resource Center Court Attorneys** - Resource Center Court Attorneys explain to litigants how to commence and answer cases, obtain or make

repairs, fill out forms, follow court procedure, or seek help from appropriate agencies and community organizations. In some boroughs, these attorneys screen prospective participants for the Senior Citizen Assigned Counsel Program.

- **Volunteer Lawyers** - Attorneys trained by Housing Court's Volunteer Lawyers Project, provide free, limited legal assistance and help self-represented litigants complete forms, analyze defenses, and plan for their Court dates. Like the Resource Center Court Attorneys, they also make referrals to legal services organizations, bar associations, and community organizations.
- **CLARO** - In Brooklyn, the CLARO Project (Civil Legal Advice and Resource Office), run by Brooklyn Law School, the Brooklyn Bar Association and the New York City Bar Association, operates for civil litigants on Thursday nights.
- **Libraries** - All Resource Centers have small libraries of written and visual materials. Sample forms and publications are available on topics involving the Civil, Housing and Small Claims Courts.
- **Informational Videos** - Resource Centers provide videos produced by the Civil Court for litigants to watch to better understand how to proceed in Court.
- **Internet Access** - Resource Centers also provide free limited access to over 30 internet sites for litigants to research community resources, rental assistance programs, and civil and landlord-tenant law topics.

- **COMMUNITY SEMINAR SERIES**

Beginning in April 2002, the Civil Court has offered free seminars in our courthouses once a month during the lunch hour. Live seminars are often offered via video-conferencing at multiple courthouses. Seminars are taught by judicial and non-judicial staff, private practitioners, lawyers from legal services or various community and governmental agencies. Most instructors are volunteers. The seminars seek to educate the public on housing and civil related topics and to provide a forum to ask questions of experts in the field. Topics of past seminars include:

- ***Credit Repair and Debt Management***
- ***Owner's Legal Info. Session***
- ***Defenses in a Nonpayment Proceeding***
- ***Services in the Courts***
- ***How to Obtain Repairs/Services***
- ***How to Answer a Nonpayment Petition***
- ***The Role of the HPD Inspector***
- ***How to Obtain Help to Pay Rental Arrears***
- ***9-11 Disaster Relief and Benefit Information***

- ***Mold! What Is It? How to Treat It?***
- ***How to Begin an Action to Collect Rent***
- ***Immigrants' Guide to Housing Benefits***
- ***Lead Paint: Your Remedies in Housing Court***
- ***Rights of Tenants in Public Housing***
- ***Owner Services Session: Removing Violations, Help With Repairs, and Rehab. Loans***
- ***Rent Overcharge: How to Fight Against Improper Rents***
- ***How to Begin and Win a Small Claims Dispute***
- ***Holdover Proceedings***
- ***HP Actions to Obtain Repairs***
- ***HPD Owner Services***
- ***Violations and Code Enforcement***
- ***Make Court Your Last Resort: Resolving Disputes with Merchants***
- ***A Family Member in the Military? The Effect on Your Landlord-Tenant Case***
- ***Pet Holdovers***
- ***Section 8: Transfer Vouchers and Others Housing Court Issues***
- ***Illegal Sublets and Other Holdover Proceedings***
- ***Section 8: NYCHA or HPD? What Does it Mean?***
- ***Rent Regulation: How to Figure Out the Rules***
- ***Lead Paint: Changes the New Law May Bring***
- ***Illegal Apartments***
- ***Danger Lurks: Mold and Bedbugs in the Home***
- ***Help! I Received an Eviction Notice from the Marshal!***
- ***What to Do If You've Been Evicted***
- ***Help! My Landlord Says I'm a Nuisance***
- ***Rent Help for Disabled Tenants: The Disability Rent Increase Exemption ("DRIE")***
- ***Rent Help for Families: The Family Eviction Prevention Supplement***
- ***What is a Roommate Holdover?***
- ***Bankruptcy: The Changes in the Law and its Effect on Consumers***

The seminars are advertised throughout the courthouses, on the "News and Announcements" page of the Civil Court's website, on the OCA's public event calendar, through community organizations, bar associations, city council offices, local human resource offices, and public libraries. The seminars are all videotaped and will be available for viewing on the Civil Court's website when ADA subtitling requirements can be met. Litigants can also suggest future topics via the website. The seminars are well-attended and attract as many as 50 attendees each session.

- **WEBSITE**

The Civil Court's website: <http://nycourts.gov/nycivilcourt>, established in 2003, hosts three distinct informational sections for civil, housing and small claims litigants. It is written primarily for the self-represented litigant, containing helpful information, including:



- Free Civil, Housing and Small Claims Court Forms which can be filled in on-line and printed.
- Information about Court Services, including mediation, interpreters, court reporters, childcare centers, and resource centers.
- Location information, including phone listings, directions and Court hours for every courthouse.
- Helpful links for legal, governmental and community resources.
- Links to private vendors who will electronically begin a small claims case for the litigant.
- Information about the Civil Court's administration and Judges.
- Legal and procedural information for civil, housing and small claims litigants from commencing a case to appealing a case.
- Civil Court Publications and Videos.
- Civil Court directives and forms. They can be searched by keywords or by number.
- The News and Announcements page, which contains information about free community seminars, upcoming events and free C.L.E. opportunities.
- Legal Definitions
- The Volunteer Lawyers Project, the Guardian Ad Litem Program, and the Small Claims Arbitrators, also have their own links containing information about volunteering in the Court and other pertinent information.
- Calendar information for Housing Court litigants.
- Electronic filing for civil self-represented litigants to request an inquest.
- An instructional video on how to complete the small claims form, along with a written transcript for hearing impaired viewers.

All of the information on the website is available in Spanish as translated by our Civil Court interpreters. The Spanish Court Forms are all bilingual, in English and Spanish for informational purposes. The small claims website is also available in Chinese, making the website the only trilingual OCA site.

- **COMMUNITY LAW DAY**

The Civil Court began sponsoring a Community Law Day in 2002. This educational event is designed to acquaint



the public with legal, Court, and social services available in the community. In addition to educational resources, food, refreshments, and entertainment are offered, making Community Law Day a festive event. After several months of consulting with schools, community-based organizations, local elected officials and other members of the community, the Civil Court plans an event designed for a targeted audience. Past events include:

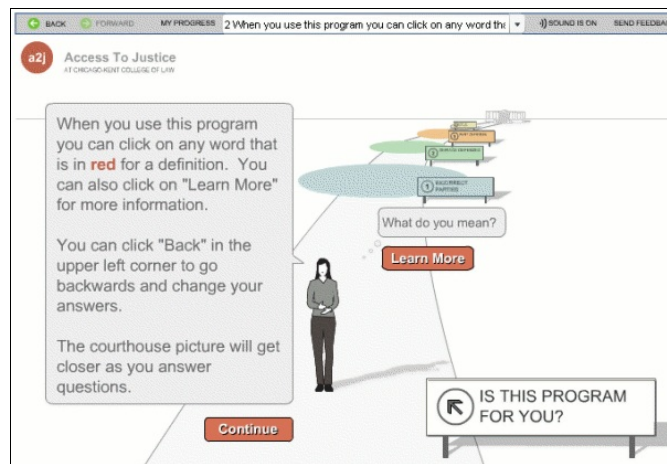
- May 2002: **NY County Community Awareness Law Day** - Co-sponsored with the Jade Society and The Asian-American Bar Association
- September 2002: **Harlem Community Law Day** - Co-Sponsored with the Center For Court Innovation and the Harlem Justice Center
- May 2003: **Bronx Community Law Day** - Co-sponsored with Bronx Borough President Adolpho Carrion, The Bronx Woman's Bar Association and The Small Claims Arbitrators Association
- October 2003: **Kings County Community Law Day** - Co-sponsored with Brooklyn Borough President Marty Markowitz and the Small Claims Arbitrators Association
- May 2004: **Richmond County Community Law Day** - Co-sponsored with Staten Island Borough President James P. Molinari and the Small Claims Arbitrators Association
- May 2, 2005: **Queens County Community Law Day** - Co-sponsored with the Small Claims Arbitrators Association, the Queens Woman's Bar Association and the Queens County Clerk's office
- May 1, 2006: **New York County Community Law Day** - Co-sponsored with the Small Claims Arbitrators Association, the New York City Bar Association and New York County Lawyer's Association's Legal Referral Service

More than 35 agencies are invited to participate by staffing a table and providing resource materials. Agencies have included Safe Horizons, Legal Services, Legal Aid Society, Rent Stabilization Association, Department of Aging, Board of Elections, Human Resources Administration, Family, Supreme Criminal, and Supreme Civil Court and several bar associations.

● **NONPAYMENT ANSWER PROGRAM**

Since the Housing Initiative, the Civil Court has been working on developing an internet based user friendly program to provide information on nonpayment proceedings and to assist tenants with answering proceedings brought against them in Housing Court. For several years we worked closely with Columbia Law School's Lawyering in the Digital Age Clinic on developing a decision tree, which later became the basis for the programming. We also worked with New York Law School students. In September 2005, the Civil Court partnered with the Legal Services Corporation, and the Legal Assistance of Western New York's

SOPHIA Project to do the programming. The program will enable a self-represented tenant to prepare to answer a nonpayment petition. In the program, a “guide” walks the litigant through a series of questions invoking an experience similar to a person-to-person interview. Upon completion of the program, a document package is produced that includes a tenant answer chart, which identifies possible defenses and counterclaims based on the answers provided by the participant, and fact sheets that will also assist the tenant in the Court proceedings. The answer chart follows the triplicate tenant answer form that we developed for use in the Landlord-Tenant Clerk’s office. The program was tested in the Resource Centers, sent to numerous stakeholders in the community for feedback, and was reviewed by a readability specialist.



A sample screen from the Nonpayment Answer Program

The Nonpayment Answer Program utilizes A2J (Access to Justice) software that was developed by Chicago-Kent Law School specifically for on-line interactive interviews with self-represented litigants. A2J provides an attractive, inviting, and intuitive interface with facilities for defining legal terms and audio voice-overs for each question. A2J works in conjunction with Hot Docs assembly software to deliver a document package to the user for saving and printing based upon the responses to the program. A small owner nonpayment petition program is being developed using A2J.

- **VIDEOS**

The Civil Court has produced several informational videos for self-represented litigants to better understand how to proceed in Court. These videos can be watched in the Civil Court’s Resource Centers or on the Civil Court’s website. The following videos are currently available:

- ***The Resolution Part*** (4 min, 22 sec) English/Spanish
The Resolution Part is the first courtroom where litigants with landlord-

tenant cases appear. If cases do not settle in the Resolution Part, the Judge will refer the litigants to a Trial Part. This video explains the Resolution Parts' procedures and objectives and introduces the role of various Court personnel.

- ***Collecting Rent*** (21 min, 55 sec) English
This video profiles Tom Porter, a small property owner who is owed rent. The video describes the steps needed to collect rent.
- ***Getting Repairs and Services*** (16 min, 23 sec) English/Spanish
This video follows the story of Rosa Santiago, a tenant whose apartment needs repairs. The video explains the step-by-step procedures for successfully obtaining repairs.

● **PUBLICATIONS AND FORMS**

The Civil Court has produced helpful publications in response to the public's need for written information. The publications are available in the Resource Centers and the website. The publications are also available in Spanish. Publications will soon be available in Chinese as well. Current Civil Court publications include:

- ***The Guide to Small Claims Court***
- ***Dispute Resolution Through Mediation***
- ***How to Prepare For A Landlord-Tenant Trial***
- ***How to Try or Defend A Civil Case When You Don't Have A Lawyer***
- ***A Landlord's Guide to New York City Housing Court***
- ***A Tenant's Guide to New York City Housing Court*** (A joint publication with the New York City Bar Association)
- ***Community Outreach Brochure***
- ***Resource Center Brochure***
- ***Civil Court Coloring Book***

In addition to publications, the Civil Court has numerous civil, small claims, and housing forms that are available to the public for filing in actions and proceedings. These forms are offered to litigants in the Clerk's Offices, the Resource Centers, and on the Website. In 1997, the Court replaced the archaic practice of recording oral non-payment answers in handwriting (often illegible) on the face of petitions with a triplicate Clerk's check-off answer form. The triplicate form accomplished a number of goals: legible answers, time efficient process of recording answers, and for the first time the respondent can be provided with a copy of his or her oral answer.

Over the past 10 years, we have also undertaken a complete review and update of all Civil Court forms. A project was undertaken to make all the forms uniform throughout the city. Then, every form was updated and amended if necessary,

new forms were issued, posted for use on the Civil Court's website, translated into numerous languages, catalogued in our Resource Center books and archived on our secure network drive. These forms both assist Court users and aid in the more efficient operation of the Court.

- **INTERACTIVE VOICE TELEPHONE RESPONSE SYSTEM**

Another valuable Civil Court service is the interactive voice response telephone service. It permits litigants to use voice or keypad controls to access active housing case information, to obtain civil and housing forms by fax, to obtain legal and procedural information, a directory of NYC Marshals, administrative services information, travel information, and information on other Courts. It is available at (646) 386-5700 for general Civil and Small Claims matters or (646) 386-5750 for Housing matters. The service is provided 24 hours, seven days a week, and is available in Spanish.

- **SPEAKERS BUREAU**

Throughout the year, Judges and non-judicial personnel from the Civil Court visit schools, and community and governmental agencies to speak about civil, housing and small claims topics. In addition to legal information, speakers also provide information about Court procedures. Speakers are also available to attend career days and talk about career opportunities in the Court system.

In the past, Civil Court speakers have visited local senior citizen centers, planning boards, public libraries, school assemblies, town hall meetings, street fairs, housing fairs and conferences. Speakers provide general information and valuable resource materials about the Court. Recent events include: Queens Fair Housing Conference, PS 241 graduation ceremony, Auxiliary High School of Queens fair, and the PSA #7 Community Council street fair.

- **COURT TOURS**

The Court Tour program welcomes school groups, senior citizens, dignitaries from other jurisdictions, and community groups to visit the Civil Court buildings. The tours offer an opportunity to observe a trial, explore career opportunities in the Court, obtain information about Court procedures, and learn about the types of cases that are heard in the Civil, Housing and Small Claims Parts. Our Court tour teams consist of Judges, Court Clerks, Court Officers, Court Assistants, and NYC Department of Corrections personnel. The tours are conducted in every Civil Court building upon request and the program serves more than a thousand visitors a year.

- **RESPONDING TO THE WORLD TRADE CENTER DISASTER**

In October 2001, in response to the World Trade Center disaster, the Civil Court produced a ***Legal Information and Resource Guide for Owners and Tenants Affected by the World Trade Center Disaster***, which was written to assist victims' family members, people employed in or near the area who could not pay their rent, persons displaced from either their home or business, or owners of buildings in the area.

As a follow-up to this publication, the Civil Court, along with former Manhattan Borough President C. Virginia Fields, organized and sponsored a free legal and resource information symposium at Martin Luther King High for tenants and owners affected by the disaster. Almost 20 agencies, organizations and bar associations provided support and volunteer lawyers. These volunteers provided free legal advice to numerous members of the public. The event was covered by local radio and television programs.

Numerous lower Manhattan businesses were affected by the World trade Center disaster. To facilitate the resolution of resultant commercial landlord/tenant disputes and to assist in preserving the economic survival of downtown commerce, the Civil Court participated in a mediation program with the New York City Bar Association and Safe Horizons. A special World Trade Center commercial landlord/tenant Part was devised and mediators assisted in settling these cases.

The Civil Court's audio-visual department also produced a video tribute to our three Court Officers who lost their lives in the World Trace Center attack. Entitled ***In Our Hearts and on Our Minds***, SCO Mitchell Wallace, Captain William Thompson, and SCO Thomas Jurgens, who perished in the attacks on the World Trade Center, are remembered for their bravery and heroism.

- **INTERPRETERS**

As our City has grown increasingly more diverse, we have endeavored to address the needs of our non-English speaking litigants when they come to Court. Prior to this past decade, our only staff interpreters were for Spanish, Chinese and Creole. Since then we have added many full-time interpreters for other languages, such as Russian, Korean, and even Sign Language. Our interpreters are available to assist litigants in the Parts, Clerk's Offices and Resource Centers. Phone access for language services is available for our smaller Courts, such as in Richmond. Our interpreters have also translated information booklets which are available in the Resource Centers into other languages.

- **CREATION OF CIVIL COURT AUDIO-VISUAL DEPARTMENT**

In January 2000, the Civil Court's pioneering Audio-Video (A/V) Department was created. The A/V unit produces educational and training multimedia material, films Court seminars and events, prepares informational videos for the television displays throughout our 50 Housing Parts, creates content for our web page and Resource Centers citywide, and contributes to various other projects. Over the years, the Civil Court A/V unit has assisted the Office of Court Administration with the production of various Court programs, as well as other Court agencies in preparing videos or in the recording and/or post-production of live events. For example, in 2006, we assisted the Judicial Institute in the production of a series of training videos depicting various courtroom scenarios. The creation of the A/V unit with its ability to produce film/video in-house has proved extremely cost effective for the Court system.

The A/V unit is comprised of Court staff who have film, video and computer background. Over the years, and with the Court's support, they have assembled a versatile video editing suite which includes digital video cameras, lights, microphones, a video editing PC and other production equipment. Through their expert use of this equipment, they have consistently produced work product of professional quality.

The following is a highlight of some of our projects over the past decade:

- ***“Domestic Violence Program: 10th Anniversary Celebration”*** - hosted by Honorable Judith Kaye. Provided filming and live web-casting.
- ***“In our Hearts and On Our Minds”*** - a memorial video for the heroic Court Officers lost on 9-11 and a reflection of the events of that tragic day. Written, directed, produced and edited.
- ***“Helping New Yorkers Series”*** - a series of videos designed to help self represented litigants with Court proceedings. Wrote, directed, produced and edited.
- ***“Right to Know”*** - an educational and training video usually shown to new employees regarding hazardous material at the workplace (produced for OCA). Directed, produced and edited.
- ***“Volunteer Lawyers Project”*** - a recruitment video for volunteer lawyers. Wrote, directed, produced and edited.
- ***“Outreach 2000 and Beyond”*** - a video compilation highlighting Civil Court's Outreach programs. Wrote, directed, produced and edited.
- ***“Drug Treatment Court Video”*** - an instructional video for applicants to the Drug Treatment Program (produced for Criminal Court). Directed, produced and edited.
- ***Production of Slide Shows and Videos*** - produce courthouse slide shows to be viewed in the courtrooms and informational videos for self-

- represented litigants to view in the Resource Centers and the website.
- ***Prepare Court Videos for Web Streaming*** - Convert videos to web streaming format adhering to established OCA guidelines for Americans with Disabilities Act compliancy (synchronized captioning and transcripts provided for the hearing impaired).
- ***Maintain Video Library of Continuous Seminars*** - Volunteer Lawyers (for CLE credits), Guardian Ad Litem and the Community Seminar Series. Video tape, produce and archive.
- ***Photograph Civil Court Events, Facilities and Personnel*** - The A/V unit photographs all public events, facilities and personnel for use on the Civil Court's website and publications.
- ***Maintain Digital Still Photo Library*** - More than 10,000 photos of various Court events, ceremonies, personnel, courthouses and facilities throughout the years.

● **PUBLIC PERCEPTION OF JUSTICE**

Improving public trust and confidence in the Court is of paramount importance. One of our goals has been to provide as much consistency in our practices and policies as possible. Accordingly, we have taken a number of measures that work to ensure that the public has a fair and just perception of the Civil Court.

- Established standards for our Clerks on how to handle telephone interactions.
- Instruct our employees not to attend holiday parties hosted by law firms that litigate in the Civil Court.
- Provide an operational and legal "help desk" for all of our Clerks.
- Instruct our Housing Court Attorney's on the "Do's and Don'ts" of interacting with lawyers appearing in their Parts.
- Respond to any letters of complaint that we receive.

● **IMPROVED INFORMATION IN THE COURTHOUSES**

The Civil Court has also substantially improved information for litigants in the courthouses.

- There are now television monitors in every Housing Part.
- Every Resolution Part plays a Resolution Part video that provides litigants with information about the Part.
- Every courthouse, except Richmond, has a running silent slide show that continuously plays useful information about where things are located in the building.
- Every Landlord-Tenant Clerk's Office has LCD signs directing litigants to the proper window to go to for information.

- Posters, made in-house, are prominently displayed throughout the courthouses informing litigants about upcoming events, community seminars, the Civil Court's website, and the free child care centers.
- The Tenant Answer form is also enlarged to poster size for litigants to view while waiting on-line or attending to Court business in the Landlord-Tenant Clerk's Office.

- **RECORDING OF COURT PROCEEDINGS**

After a two year test period, the Civil Court recently purchased 70 digital "For The Record" recording machines (FTR), to be used in all of our housing, small claims and civil calendar Parts in place of cassette tape recording machines. Previously, the tape numbers for every Court appearance had to be noted and hand written on the Court file. If a litigant wanted an audio record of the Court appearance, a painstaking process of locating the tape numbers and tape from the date and Part had to be followed. Now, cases are bar coded into the FTR recorders and the information is computerized and sent to a server in Albany to be stored. By bar coding, the audio records of every Court appearance are easily located. FTR can produce all the instances a case has been in Court in one continuous recording. This new process is extremely helpful to litigants that wish to file an appeal.

A new central Audio Records Office has been established in New York County to handle city-wide audio requests. The litigant can receive a cd, or receive information by email and listen to the recording using a program that can be downloaded to his or her computer. A litigant can also come in person to listen in the courthouse.

- **TRAINING**

Periodically, in-house training is provided for Judges and Court Attorneys to keep current on the issues that impact upon the communities we serve. Training has been taught by Judges, attorneys from governmental agencies, private practitioners and Law School Professors. Over the past decade, a large variety of training has been conducted on a large variety of topics, including some of the following:

- **Seminars** - We have held housing seminars for many years as part of our continuing legal education efforts for Judges and Court Attorneys. The following are highlights from the past few years:
 - December 12, 2000 **Heat and Hot Water Cases**
 - September 17, 2002 **Local Law 38 (The Lead Paint Law)**
 - November 19, 2002 **Dealing With Difficult Litigants,**

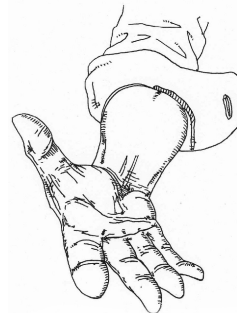
- October 27, 2003 ***Mold: Is there a Fungus Among Us?***
 - April 29, 2004 ***The Needs of HIV Positive Litigants,***
 - May 8, 2006 ***Jiggetts/FEPS***
- ***Community Walks*** - In the past, we have also offered “community walks” of Harlem and Red Hook, where Judges toured the neighborhood, and met and had lunch with community leaders and residents to better understand the population we serve.
 - ***Court Attorney Guidelines: “Do and Don’t”*** - Over the years, we have held seminars for the Housing Court Attorneys on appropriate behavior in the courtroom. The Court Attorneys are now given a copy of the “Dos and Don’ts when they are hired.
 - ***Conferencing Training*** - Professor Leila Love, of Cardozo School of Law conducted mediation training for Court Attorneys to improve their conferencing skills.
 - ***Cultural Diversity Training*** - In July 2005, Judges were provided training in cultural diversity issues.
 - ***Communication Training*** - In July 2006, the Civil Court held training for Housing Court Judges to improve their courtroom communication skills. This training was conducted by an expert in communications who met each Judge in a one-to-one interview and observed the Judge allocute a hypothetical stipulation of settlement.

PART V: COURT PROGRAMS AND INITIATIVES

Various Civil Court programs and initiatives have been instituted to meet the ever-changing needs of the public served by the Civil Court. Partnerships with non-profit organizations, law schools, schools of social work, government agencies and bar associations with similar goals have been forged with the Civil Court to address some of New York City most pressing societal problems.

- **VOLUNTEER LAWYERS PROGRAM**

The Housing Court's Volunteer Lawyer's Project ("VLP") recruits, trains, and places volunteer attorneys in the Civil Court's six Resource Centers, where they provide legal information and advice to self-represented tenants and owners under the supervision of the Resource Center Court Attorneys (Pro Se Attorneys). Volunteer lawyers review Court papers, predicate notices, leases, rent records, eviction notices, and other housing or Court-related documents. Volunteer lawyers discuss with litigants the strengths and weaknesses of their cases. At times, they assist litigants in completing forms. Volunteer lawyers do not represent the litigants in Court or file papers on their behalf.



Since its inception in 1998, over 500 volunteer attorneys have participated in this Program and about 400 remain active. Volunteer lawyers also staff tables at our "Community Law Day" events.

In October 2006 alone, approximately 25 volunteer lawyers city-wide provided 110 hours of volunteer service and assisted 220 people. Because the overwhelming majority of tenants and a large number of small property owners cannot afford attorneys, the Volunteer Lawyer Project provides an important service to New York City residents faced with the loss of their home or the need to begin a proceeding in Housing Court.

Approximately four times a year, the VLP offers nine free CLE credit hours in "Fundamentals of Residential Landlord-Tenant Law" to prospective volunteers willing to provide at least 12 hours of volunteer service. A team of volunteer experts in the field teach the course. After completing the course, volunteer lawyers are ready to meet with self-represented litigants who visit the Resource Centers.

Prospective volunteers can learn about training dates and submit an application on the VLP's pages on the Civil Court's website. By viewing the website, litigants can see when a volunteer lawyer will be available in their county. Likewise, participating volunteers can see when a volunteer lawyer is needed and then

schedule their time to volunteer on-line.

- **VOLUNTEER LAWYER FOR THE DAY PROGRAM**

The newest Civil Court Program began in September 2006 to test “unbundled” legal services in the Housing Court setting through a joint pilot project with the Office of the Deputy Chief Administrative Judge for Justice Initiatives, Fordham Law School - Feerick Center for Social Justice and Dispute Resolution, and the New York City Bar Association Moderate Means Committee. “Unbundled” legal services is a practice in which the lawyer and client agree that the lawyer will provide some, but not all, of the work involved in traditional full service representation. Simply put, the lawyers perform only the agreed upon tasks, rather than the whole “bundle,” and the clients perform the remaining tasks on their own.

Housing Court is an ideal place to test unbundled representation in the courtroom setting as a means to alleviate unmet legal needs. The majority of housing cases result in settlements that are negotiated by an attorney on one side and a self-represented litigant on the other side. Many of these settlement negotiations take place out of the presence of Court personnel. Even when a Court Attorney is present for the settlement negotiations, the Court Attorney is not permitted to give legal advice to the self-represented litigant. Unbundled representation during the settlement conference levels the negotiating positions of the parties, as the attorney represents the tenant or owner for that part of the “bundle.”

In the pilot unbundled “Lawyer for the Day,” program, participating volunteers from the Civil Court’s VLP take an additional three hours of free CLE training in interviewing, negotiating and stipulation writing. After the training is complete, the volunteers provide two mornings during the trial four month period which runs from November 2006 through February 2007. A volunteer attorney covers nonpayment cases in one of the Housing Court’s Resolution Parts on a specified morning. The lawyer meets the otherwise self-represented tenant or landlord for the first time at the courthouse and files a limited notice of appearance to represent the litigant only throughout the morning. The representation is complete at the end of the day whether or not the case is still on-going.

Working with the Fordham Law School - Feerick Center for Social Justice and Dispute Resolution, trained law students assist with the in-take in the Clerk’s Office by identifying and interviewing the otherwise unrepresented clients. The law students take brief case summaries that are sent to the volunteer lawyers assigned to the case for conflict checking purposes. In the future, law students will act as advocates for litigants in the courthouse on Lawyer for the Day mornings. Law Student Advocates For the Day will stay with the litigant during any hallway negotiations and settlement discussions to ensure the litigant has

the opportunity to raise his or her concerns, accompany the litigant to the *pro se* attorney when necessary, provide basic legal information, and provide the litigant with referrals to legal and community resources.

- **GUARDIAN AD LITEM PROGRAM**

In the summer of 2003, the Civil Court initiated the Guardian Ad Litem (GAL) Program to recruit, train, supervise and provide Housing Court Judges with a pool of GALs who safeguard the rights and prevent the eviction of some of New York City's most vulnerable people. The Civil Court assumed the responsibility of maintaining a list of GALs from Adult Protective Services. Prior to the program GALs were unmonitored and untrained. The program is run by the Special Counsel for Court-Based Interdisciplinary Programs, who is an attorney and has a LMSW (Licensed Masters of Social Work). The current roster includes 121 trained GALs. A Judge must appoint a GAL when there is concern that a tenant is unable to advocate for him or herself mostly due to mental illness, age, or other disability. Court appointed GALs are expected to advocate on behalf of their ward with the goal of making any necessary intervention to prevent eviction. Although the specific responsibilities of a GAL vary according to the case, common duties often include: making Court appearances, coordinating with social service agencies in an effort to secure needed entitlements or services, and negotiating settlements with other parties. GALs who represent APS eligible litigants receive a flat fee of \$600.00 per case. This includes a recent increase of \$200.00, which was obtained due to the efforts of the New York City Human Resources Administration. If the litigant is not APS eligible, the GAL serves as a volunteer.

The GAL Program offers free live training to prospective GALs twice a year, usually in January and June. Participating attorneys are provided with a total of 6 free CLE credits (five Practice, one Ethics) upon completion of the training. Video replay trainings are also offered throughout the year. All new GALs are expected to accept three pro-bono appointments over the course of the first year following training. Once trained, the GAL is added to a list of eligible names for appointments. To avoid impropriety in the assignment of GALs, each Supervising Judge's chambers oversees the random selection of GALs by providing a list of three names from which the Housing Court Judge can choose a GAL to appoint.

The GAL Program also runs a Practical Skills Workshop Series consisting of monthly workshops designed to supplement the initial training and address issues that are relevant to the GAL's work. Workshops are facilitated by guest speakers with extensive knowledge on the respective topic. The workshops physically take place at 111 Centre Street in New York County. However, for convenience purposes, they are also offered via video conference at the various

Borough Housing Courts. Past workshop topics include:

- ***What All GALs Should Know About Article 81 Guardianship***
- ***How to Prepare for Trial***
- ***Working with Mentally Ill or "Difficult" Clients***
- ***Heavy Duty Cleanings: Parameters, Guidelines & Strategies for Working with Clients Who Exhibit Hoarding Behavior***
- ***NYCHA Administrative Procedures and Practices***
- ***APS Operations and Referrals***
- ***Understanding Section 8***
- ***Ask Your Fellow GAL***

The written materials from these workshops are available on the GAL Program's web pages on the Civil Court's website, in addition to helpful forms for existing GALs and the GAL application for prospective GALs.

The GAL Program also supervises social work students from NYC Graduate Schools of Social Work who, in turn, assist GALs in securing needed entitlements and services necessary to prevent their ward's eviction. Social work students also take on cases that would benefit from additional social work intervention. To date, the Civil Court has worked collaboratively with three Graduate Social Work schools: Columbia University School of Social Work, Yeshiva's School of Social Work, and Fordham University School of Social Services.

- **HOMELESSNESS PREVENTION PROGRAM: THE HOUSING HELP PROGRAM**

With the population in New York City homeless shelters rising, The "Housing Help Program" began in October 2004, as a joint program of the United Way of New York City, the Civil Court of the City of New York, and the New York City Department of Homeless Services (DHS). Administrative Judge Fern Fisher spearheaded the project and created the concept for the program that was refined and finalized with the United Way of New York City. The United Way funds the program through a grant. Judge Fisher personally oversees the program. The Legal Aid Society and Women-In-Need, Inc. are contracted to manage the full operations of the Housing Help Program. It is the only Court-based homeless prevention program in the country.

The goals of the "Housing Help Program" are to prevent homelessness by providing integrated legal and social services to threatened families, and to reduce eviction recidivism through on-going long term social services that promote housing stability. The Legal Aid Society provides both legal and short-term social services, and Women-In-Need, Inc. provides longer-term case

management, client support and social services. Through 2006, 460 families have received assistance from the program.

- **MEDIATION**

The Civil Court works together with the Community Dispute Resolution Centers (CDRCs) and NYC area law schools to provide voluntary mediation services to litigants in cases involving civil, small claims, and to a lesser extent, housing disputes. Mediators are neutral parties who assist litigants in fashioning their own settlements. Working with a trained and certified mediator, litigants often resolve cases without judicial assistance. In most cases those settlements are reviewed by a Judge. Mediation can be a cost-effective mechanism for some litigants to avoid the expense of litigation. The mediation program is coordinated by a Civil Court Mediation Coordinator.

The Civil Court promotes awareness of mediation by inviting members of the public to celebrate Mediation Settlement Day, an annual event in which participants learn about this important dispute resolution process from a distinguished panel comprised of Civil Court Judges, attorneys, and experienced mediators. Participants observe a “mock” mediation to see how the process works. Attorney attendees earn two free CLE credits in skills. Over 130 people attended the 2006 Mediation Settlement Day Programs, which were held in Kings and New York Counties.

- **SENIOR CITIZEN ASSIGNED COUNSEL PROJECT**

The Assigned Counsel Project is a collaborative effort between the Civil Court and the NYC Department for the Aging (DFTA). It was created in 2005 to provide legal and social work assistance in Manhattan and Brooklyn to senior citizens over age 60 who are at risk of eviction and to owners who are risk from dangerous tenants or occupants. The Project pairs attorneys assigned on a rotating basis from an Assigned Counsel Panel comprised of private attorneys and legal service provider attorneys with NYC DFTA part-time social workers who work as a team to resolve the issues. Generally, Panel attorneys handle the following types of matters: holdovers (including cases where the petitioner is a senior citizen at risk), non-payments, and HP actions where living conditions are dangerous to the life, health, and safety of the senior. The Project is supervised by the Special Counsel for Court-Based Interdisciplinary Programs.

Assigned Counsel Project services are intended to fill the gap between services provided by legal service organizations (which use means tests for eligibility) and those provided by the private bar. Means or assets tests are not used as a screening device and elderly clients are not asked to provide financial information for the purpose of determining eligibility. Currently, it is the only

program representing at risk owners.

Referrals to the Assigned Counsel Project may be initiated by Housing Court Judges, Court Attorneys, and Landlord-Tenant Clerks. Referrals are screened by the Resource Center Court Attorney and assignments are made by the Supervising Judges.

The program recently won an award from the National Association of Area Agencies on Aging and has served over 300 seniors to date.

- **CLARO (Civil Legal Advice and Resource Office)**

In 2005, with volunteers from Brooklyn Law School, the Brooklyn Bar and the New York City Bar Association, CLARO began providing assistance to civil litigants primarily with consumer debt problems on Thursday nights. The Civil Court maintains oversight of this program which is housed in the Kings County Resource Center. CLARO recruits and trains volunteers on its own.

PART VI: FACILITIES

During the 1980s the Court System, recognizing the need to replace or renovate many of its over 350 Court facilities statewide, started to address these needs with the many localities throughout the State that are responsible for providing the Court system with courthouses. The Civil Court was also part of this program, and its needs were indeed great. The Housing Part in the Bronx, buried in the basement of the large county building at 851 Grand Concourse, was extremely overcrowded, with some courtrooms no larger than a closet. In Queens, the Court was squeezed into the Borough Presidents Office. In Brooklyn, we occupied part of an office building, which the City rented from a private landlord, where we suffered from poor air quality, inadequate space and terrible elevator services. Our Small Claims Court in Harlem was a run-down old Municipal Courthouse. In all of our locations our furniture was old and worn out, our counters were not serviceable, and we had few computers. The cleaning and maintenance of our facilities were at best haphazard. These so-called courthouses did little to provide for a dignified environment for our citizens to seek a just and speedy resolution to their legal disputes. These past ten years have seen almost all of these needs addressed, and most have improved dramatically.

- **BRONX HOUSING**

The first new courthouse opened in November 1997 as a result of the commitment to upgrade Court facilities statewide, was Bronx Housing Court. A totally new building with 13 courtrooms and many Clerks' Offices. Space was also now available for a children's center, as is now also the case in New York and Queens. Finally, we had reasonable space for our first Resource Center.



This impressive facility radically improved the experience of our litigants. This move also allowed for adequate space for our Civil Part, at least until the huge increase in our filings. Our Clerks' Offices at 851 Grand Concourse were completely renovated, while we continued providing services to our users.

- **QUEENS**

Following shortly after the opening of the Bronx Housing Court, came the new courthouse in Queens. This magnificent five story facility was state of the art when it opened on January 20, 1998, after a frantic holiday weekend when we ceased operations in our old courthouse and were ready to service our users in our new facility, all in three days. Spacious courtrooms, many fine Clerk's Offices, a quality Resource Center, a fine law library, impressive chambers, a large and warm



children's center, and for the employees, a large underground parking garage, all have made this one of the Civil Court's finest courthouses.

- **HARLEM COMMUNITY JUSTICE CENTER**

We have provided a Small Claims Court facility for the residents of Harlem since Mayor John V. Lindsay's administration. This Court was only open on Thursday nights, but the Clerk's Office was open daily. The facility was dilapidated and only minimally usable, although many commercial film companies used our courtroom to film movies or episodes of television shows. This changed when Judge Kaye decided to make our Harlem Court into a Community Court, expanding services to housing and family matters. A full-time Judge, expanded Clerk and security staff and many specialists from the Center for Court Innovation moved into an impressively renovated building, which is now a significant part of the invigorated Harlem community. Related to this expansion of Community Courts, we have also contributed a Clerk to the operation of the Red Hook Community Justice Center, so that community in Brooklyn can secure some help with housing matters.



- **BROOKLYN**

Our Court in Brooklyn, on Livingston Street, was long regarded as second only to the Bronx Housing Part as a truly atrocious facility. All involved were often stuck on elevators that were at best slow, the summer months were torturous for being too hot, as the air conditioners were inadequate, and in the winter, many locations lacked proper heat. The courtrooms and Clerk's Offices were almost all overcrowded and poorly laid out. After considering many options for alternative locations for well over a decade, it was decided that we would remain at our current location. This decision was based on the Office of Court Administration and the City agreeing to expand the Court's space in the building and making necessary renovations so the space would be reasonably acceptable. The HVAC system was improved, much work was done on the elevators, many new offices, chambers, courtrooms and even handicapped bathrooms were created, while older spaces were improved. The most significant change was in our Housing Part's Clerk's Office. The Clerks' space was enlarged, and a former courtroom was converted to a fairly comfortable waiting area for the public. This allowed us to eliminate the long lines of standing litigants. Recently, the main floor, which previously housed the Small Claims courtroom, was turned into a lobby for litigants to wait indoors while being processed through the magnetometers, thus keeping them out of the elements. These latter two improvements make Brooklyn the most user friendly of all of our



courthouses in this regard.

- **MANHATTAN**

In the New York County courthouse, much has been done to improve the infrastructure, including a number of renovations on the air systems, elevators, and new energy efficient lighting. In addition, public and private bathrooms were renovated to be ADA compliant.



- **FURNISHINGS**

We have replaced virtually all of the furniture in all of our courthouses, including the courtrooms, chambers and Clerks' offices. This improvement came about due to the efforts of Chief Judge Judith S. Kaye, Chief Administrative Judge Jonathan Lippman and First Deputy Chief Administrative Judge Ann Pfau, who recognized that our surroundings effect the quality of justice we provide. Their efforts secured the funding needed from the State's Legislature to replace furniture that was many decades old.

PART VII: RECORD STORAGE

Court records must be maintained by the Civil Court for twenty-five years (except for name change cases, which are stored permanently). The last three years of files are kept in the courthouses. Prior years are maintained in the New York City Archives facility and the Brooklyn Terminal Storage facility. We had hoped that increased courthouse space and changes in file storage systems would allow us to maintain all active files in the courthouses. This was not possible due to the tremendous increase in civil filings discussed above.

The increase has also led to a significant increase in the amount of time Civil Court personnel must spend preparing files for archiving and moving paper back and forth between the Courts and our archive storage facilities. It is expected that this will continue until a complete electronic filing practice is implemented for the Court.

- **CONVERSION TO FLAT FILING SYSTEM**

Lost files were often a problem in the Civil Court. Files used to be folded in thirds and placed in small storage cans in large cabinets. Files were often misplaced when put back into the old file “cans.” This problem was solved by converting to a flat file system with color coded jackets, which began with the opening of our new courthouse in the Bronx in November 1997. We have also added many mobile file systems. These space saving changes have also made it possible to maintain more active files in our courthouses.

- **BROOKLYN ARMY TERMINAL STORAGE FACILITY**

The Civil Court is a major user of the Court system’s new storage facility at the Brooklyn Army terminal. It is expected that due to increased filings, we will fill that seemingly huge facility within five years, thus requiring that we look for additional storage space. The Civil Court now handles close to 25% of the filings of the entire New York State Court system’s Trial Courts.

- **ELECTRONIC STORAGE - CREATION OF ARCHIVE DRIVE**

Although the Civil Court does not yet electronically store Court files, we have created a secure archive drive on the Civil Court’s network to house electronic copies of other important files. This will preserve the Civil Court’s history, as well as ease the difficulties of updating publications, Civil Court forms and records.

PART VIII: THE NEXT DECADE

The coming decade will continue to bring many new challenges, and changes for the “People’s Court.” Whether our filings increase or level off, as in the past, we will endeavor to increase access to justice for all Civil Court users. To this end, we will continue many of our old successful partnerships with outside organizations and schools; such as, The United Way of New York City, New York City Department of Homeless Services, The Legal Aid Society, Women-In-Need, Inc., the New York City Department of Aging, Columbia Law School - Lawyering in the Digital Age Clinic, Fordham Law School - Feerick Center for Social Justice and Dispute Resolution, Brooklyn Law School, the Brooklyn Bar, the New York City Bar Association, Columbia University School of Social Work, Yeshiva University School of Social Work, Fordham University School of Social Services, and Community Dispute Resolution Centers. In addition, we will forge new productive relationships with agency, legal, social services, and community partners, and initiate Court programs and services, as we strive to respond to the needs of the public. We will increase our effort to bring legal and social resources and information into the communities we serve.

We can also expect that technology will improve dramatically in the coming years, and as in the past, the Civil Court’s dedicated staff stands ready to respond and implement changes as needed. Technological improvements will assist our case management and ability to analyze the Court’s usage and needs, and will enable better informed administrative decisions. Improvements that will facilitate our litigants’ use of the Court; such as, electronic filing, electronic bill payment, and decisions and case information on-line, are all destined for the future.

Provided that resources are obtained, below are some of the changes we hope to implement in the Civil Court in the next decade.

- **ACCESS TO JUSTICE**

- ***Document Assembly Programs*** - In the coming decade, the Civil Court will produce a number of document assembly programs for *pro se* litigants using the same technology used for the nonpayment answer program. These programs will produce completed ready to serve and/or file pleadings based upon the user’s responses in the guided interview. The programs will be available on the Civil Court’s website, in the Resource Centers, and the Clerk’s Offices in multiple languages. We are presently working on developing document assembly programs for self-represented litigants using A2J/HotDocs software in the following areas:

- ***Small Owners Petition in a Nonpayment Case***
- ***Small Claims Form***
- ***Name Change Petition***
- ***Order to Show Cause to Vacate a Default***
- ***Government Benefits***

- ***Simplification of Forms*** - In the coming decade, the Civil Court plans to continue efforts to simplify all Civil Court's free forms to improve readability for *pro se* litigants. In 2007, the Order to Show Cause form will be revised.
- ***Public Computer Terminals in the Courthouse*** - In 2007, the Civil Court will place additional computer terminals in the Clerk's Offices in each the courthouses for public use. Civil Court informational programs will be available on the terminals for *pro se* litigants to run to assist in producing pleadings, such as answers to nonpayment proceedings, nonpayment petitions, name change applications and small claims forms.
- ***Community Law Day 2007*** - The May 2007 Law Day celebration will be held in the Harlem community.
- ***Civil Court's Website*** - In the coming decade, the Civil Court will continue efforts to provide as much information as possible over the internet for our Court's users. The following are some of the projects underway:
 - ***ADA Compliant Videos*** - In the early part of 2007, existing Civil Court videos will be replaced with ADA compliant versions in English and Spanish, containing simultaneous text captioning for the hearing impaired. In addition, ADA compliant videos of past and future community seminars will also be added to the website.
 - ***Chinese Housing and Civil Websites*** - In 2007, the Civil Court will add Chinese versions of our Housing and Civil information to the Court's website. A Chinese version of our Small Claims information is already offered over the internet.
 - ***Publications in Additional Languages*** - We plan to translate Civil Court publications into additional languages, including, Russian, Creole and Korean.
 - ***Introductory Video About the Civil Court*** - The A/V unit is working on producing a comprehensive introductory video about the Civil Court. With a target audience of "everyone," the goal is to create a video which explains "who we are" and what the Court is all about.
 - ***Internet Resource Center Library*** - Over the next few years, the Civil Court will expand its internet Resource Center library to offer the forms, sample pleadings and informational sheets that are currently available in the Resource Centers. In addition, Resource Center library topics are being reviewed and updated and new information written.
 - ***Community Seminar Series Videos*** - In the early part of 2007, the website will offer videos of the following Community Seminars:
 - November 2005 ***Non-Payment Proceedings***
 - March 2006 ***Nuisance Holdover Proceedings***

- **COURT PROGRAMS AND INITIATIVES**

- ***Expansion of Social Work*** - The NYC Coalition of the Homeless estimates that almost 75% of unsheltered homeless individuals suffer from chronic mental illness. With the growing need for social services in the City of New York, the Civil Court will continue to partner with social work graduate schools and charitable organizations with the goal of providing increased social services for all housing litigants. Graduate Social Work students are a valuable resource Guardians Ad Litem appointed to wards who present with complex social service needs. In addition, the Civil Court will endeavor to hire Social Workers to work in each borough's Housing Court. Social Workers will be able to make assessments and appropriate referrals to outside agencies, supervise graduate students, make home visits, insure that litigants come to Court and educate Court personnel.
- ***Mental Health Court*** - in the future the Civil Court will establish a new Office for Litigants With Special Needs, headed by the Civil Court's Special Counsel for Court-Based Interdisciplinary Programs. The Special Counsel will oversee a cadre of trained Social Workers who assess Housing Court litigants with mental health issues and link them to appropriate service providers and resources. The Special Counsel will be assisted in turn by a lead Social Worker who will be responsible for assisting with training and program development as well as implementing a system to measure program outcomes.

This Project will begin with a Pilot Part in the Bronx Housing Court established for all cases where it has been determined that a Guardian Ad Litem is necessary due to the mental health of the litigant. After a Guardian is appointed by a Housing Judge, and upon the recommendation of the Social Worker and consent of the parties, the case will be transferred to the Special Part where the Judge, the Guardian, and the Housing Court Social Worker will work as a team to prevent the eviction of the litigant. Litigants with the most severe needs will be transferred to the Part. This pilot project will allow the court to determine if segregating these cases before one Judge, in a resourced Part will better serve the needs of this special population.

- ***Homelessness Prevention Program: the Housing Help Program*** - With the partnership of the United Way of New York City, the Civil Court will expand this program to other courthouses to assist more litigants in need. Support for the expansion will be sought from non-profit and government agencies.
- ***Senior Citizen Assigned Counsel Project*** - The Civil Court and the Department of Aging will expand this program to other courthouses to

assist more seniors in need.

- **Increased Pro Se Attorneys and Resources for Civil and Small Claims Litigants** - In the future, the Civil Court will endeavor to expand the services offered to assist self-represented litigants with their civil and small claims cases. Additional Resource Center Court Attorneys will staff the Resource Centers and additional written materials, informational videos, and internet sites will be available free of charge to the public.
- **Mediation** - The Civil Court with Safe Horizons is expanding its mediation services, beginning with a new pilot project in New York County in 2007, to deal with consumer credit cases under \$10,000. In cases where an answering defendant requests more time to pay a debt or does not dispute owing money to a creditor, the Answer Clerk will assign the case to a newly created Mediation Calendar in a courtroom presided over by a Civil Court Judge. Experienced volunteer mediators trained in the consumer credit area will mediate these first-time on cases. The Judge will review and allocute any written agreements reached by the parties. Cases that do not settle will be assigned to mandatory arbitration. (See 22 NYCRR § 28.1 *et seq.*)

In 2008, the Civil Court hopes to expand the program to the outer boroughs to deal with the increase in consumer credit cases filings.

We expect that mediation will increase efficiency, enhance litigant satisfaction with the Court process, and provide for more flexible, durable, and mutually satisfactory outcomes.

● TECHNOLOGY

- **Universal Case Management System** - in 2007, the Civil Court will move to a new Universal Case Management System "UCMS." This state of the art program has been designed by a committee of Office of Court Administration staff, which included two Civil Court Clerks. This system will enable the Court to combine Civil, Housing and Small Claims case information in one database.
- **Improved A/V Technology** - In the next decade, the Civil Court will upgrade to High Definition video to accommodate the high quality of flat screen displays, upgrade and build upon the existing A/V editing suite, and train the A/V staff on advancements in the field to remain current with changes in technology.
- **Judgments** - Beginning in January 2007, we will begin testing modifications made to the Housing Court Information System (HCIS) to allow us to accurately print judgments. Information will be entered in the HCIS in the courtroom as changes are made and the parties are present. Judgments can then be printed directly from the information. In failure to answer cases, the judgments will print from the information input by the

Clerk in the office. The new judgments will spell out the reason for entry, will allow us to choose the judgment creditor and debtor as necessary, include money and warrant issuance information, and allow us to enter judgments of dismissal against one or more parties, as well as on counterclaims. The judgments can be printed as required, and a copy can be printed for any party who needs one. In the future, we also plan to make this function available in the Clerk's Office, so that if a litigant or a lawyer needs a copy of the judgment, he or she will be able to print it from a public access computer terminal.

ACKNOWLEDGMENTS

There are many who are responsible for enabling the Civil Court to provide quality service to our users. The list would be infinite if all individuals were singled out for their efforts. Our efforts are bolstered by many City agencies, nonprofit organizations, bar associations, law schools, social work schools, and unions. We thank all of these organizations for their contributions.

Brooklyn Law School
Columbia Law School
Fordham Law School Feerick Center For Social Justice
New York Law School
Columbia University School of Social Work
Yeshiva University Wurzweiler School of Social Work
Fordham University School of Social Services
The Center for Court Innovation
The Legal Aid Society (Housing Help Unit)
United Way of New York City
Women in Need
The Association of Small Claims Arbitrators
Citi-Wide Task Force on Housing (Information tables)
Rent Stabilization Association (Information tables)
Safe Horizons
Community Dispute Resolution Centers
New York City Human Resources Administration
New York City Department of Homeless Services
New York City Department For the Aging
New York City Department of Housing Preservation and Development
Brooklyn Bar Association
New York City Bar Association (Civil Court, Moderate Means and Housing Court Public Service Committees and the Justice Center)
Court Attorney Trial Part Association
DC37
New York State Court Clerks Association
New York State Court Officers Association

We also must acknowledge the following members of the Court family whose efforts are *where all possibilities begin*.

Judge Judith S. Kaye and Judge Jonathan Lippman whose unprecedented leadership provides a fertile ground for all of the Civil Court's efforts to thrive.

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The Clerks, Court Attorneys, Court Officers, Court Reporters, Court Interpreters, Librarians and LAN Administrators who are the backbone of the Civil Court.

Supervising Judges, Clerks of the Counties, Deputy Clerks of the Counties, Chief Librarian and other non-judicial supervisors where the management of the day to day activities of our Court is professionally and superbly executed.

Judge Fisher's personal Administrative Staff, the Deputy Chief Clerks, and Citywide Administrators, whose wisdom, knowledge and incredible work ethic make the Civil Court a stellar Court, and whose broad shoulders and warm hearts have supported Judge Fisher throughout the past ten years.

We look forward to the next decade with all of your support. Thank You

Justice Fern A. Fisher
Administrative Judge

Jack Baer
Chief Clerk