NEW YORK STATE

Unified Court System

Annual Report 2012

STATE OF NEW YORK

Report of the Chief Administrator of the Courts

FOR THE CALENDAR YEAR JANUARY 1 THROUGH DECEMBER 31, 2012

COURT OF APPEALS

Jonathan Lippman *Chief Judge*

Carmen Beauchamp Ciparick

Victoria A. Graffeo

Susan Phillips Read

Robert S. Smith

Eugene F. Pigott, Jr

Theodore T. Jones *(deceased November 6, 2012)*

CHIEF ADMINISTRATOR OF THE COURTS

A. Gail Prudenti

ADMINISTRATIVE BOARD OF THE COURTS

Jonathan Lippman *Chair*

Henry J. Scudder

Luis A. Gonzalez

Thomas M. Mercure *(through April 4, 2012)*

Karen K. Peters *(from April 5, 2012)*

Randall T. Eng

NEW YORK STATE UNIFIED COURT SYSTEM 2012

Lawrence K. Marks	*First Deputy Chief Administrative Judge*
Fern A. Fisher	*Deputy Chief Administrative Judge, New York City Courts*
Michael V. Coccoma	*Deputy Chief Administrative Judge, Courts Outside New York City*
Judy Harris Kluger	*Chief of Policy and Planning*
Ronald P. Younkins	*Chief of Operations*
Juanita Bing Newton	*Dean, New York State Judicial Institute*

ADMINISTRATIVE JUDGES – NEW YORK CITY

Douglas E. McKeon	*Bronx County Supreme Court-Civil*
Efrain Alvarado	*Bronx County Supreme Court-Criminal*
Sylvia Hinds-Radix	*Kings County Supreme Court-Civil*
Barry Kamins	*Kings County Supreme Court-Criminal and The Criminal Court of New York City*
Sherry Klein Heitler	*New York County Supreme Court-Civil*
Michael J. Obus	*New York County Supreme Court-Criminal*
Jeremy Weinstein	*Queens County Supreme Court-Civil*
Fernando Camacho	*Queens County Supreme Court-Criminal*
Judith McMahon	*Richmond County Supreme Court*
Edwina Richardson-Mendelson	*New York City Family Court*

ADMINISTRATIVE JUDGES – OUTSIDE NEW YORK CITY

George B. Ceresia Jr.	*Third Judicial District*
Vito C. Caruso	*Fourth Judicial District*
James C. Tormey	*Fifth Judicial District*
Robert V. Mulvey	*Sixth Judicial District*
Craig Doran	*Seventh Judicial District*
Paula L. Feroleto	*Eighth Judicial District*
Alan D. Scheinkman	*Ninth Judicial District*
Anthony Marano	*Tenth Judicial District (Nassau County)*
C. Randall Hinrichs	*Tenth Judicial District (Suffolk County)*

ADMINISTRATIVE JUDGE – STATEWIDE

Richard E. Sise	*Presiding Judge, Court of Claims*

MESSAGE FROM THE CHIEF ADMINISTRATIVE JUDGE

IT HAS BEEN ANOTHER VERY CHALLENGING YEAR as the Unified Court System wrestled with budget constraints and reduced staffing, difficulties further compounded by the havoc wreaked on much of our state by Superstorm Sandy. Causing damage to key court facilities, the hurricane impaired computer and telephone systems and affected court operations, with our judges and non-judicial staff—some of whom endured personal hardships in the aftermath of the storm—going far beyond their normal duties to keep the courts up and running with minimal interruption. Their unflagging dedication in these difficult times has been particularly heartening.

Adapting to the new economic reality, we continued this year to explore creative strategies to ensure that the Judiciary's core mission—serving the millions of New Yorkers who each year come to our courts seeking justice—is not compromised. Throughout 2012, the court system tested and implemented operational improvements and other measures designed to increase efficiency and better respond to both the immediate and emerging needs of the public. Among these initiatives are the adoption of a new rule addressing New York's growing access to justice gap that requires prospective attorneys to perform 50 hours of pro bono service in order to obtain a license to practice law in New York; the establishment of specialized adolescent courts that aim to achieve better outcomes in nonviolent cases of 16- and 17-year olds; the expansion of court-affiliated mediation programs to help resolve disputes in matrimonial and other matters; and technological advances that have enhanced both the courts' efficiency and accessibility to the public.

I invite you to read more about these and other court system programs in this edition of the Annual Report of the Chief Administrator of the Courts, which also includes caseload activity data and legislative updates for calendar year 2012.

Sincerely,

A. GAIL PRUDENTI

This 2012 edition of the Annual Report of the Chief Administrator of the Courts has been submitted to the Governor and Legislature in accordance with Section 212 of the Judiciary Law.

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THE YEAR IN REVIEW: A SUMMARY OF 2012 HIGHLIGHTS

DESPITE A DIFFICULT FISCAL LANDSCAPE IN RECENT YEARS, the Judiciary's core mission remains unaltered: to serve the people who come to our courts seeking justice—many turning to the judicial system to resolve legal matters involving life's basic necessities. In an effort to fulfill the courts' constitutional mandate in this time of diminished resources, we continued in 2012 to implement operational improvements, using new technology to work smarter, and exploring and testing other measures to achieve greater efficiency.

With the tenuous economy forcing more people to represent themselves in court, the Judiciary also launched new programs and expanded existing initiatives aimed at narrowing New York's justice gap. We begin our 2012 Year in Review with highlights of programs designed to address the urgent civil legal services needs of New Yorkers who are struggling to make ends meet.

BRIDGING NEW YORK'S JUSTICE GAP

CIVIL LEGAL SERVICES

Task Force Works to Stabilize Funding of Legal Aid Programs

THE CHIEF JUDGE DESIGNATED A STATEWIDE TASK FORCE IN MAY 2010 as a key element of a comprehensive approach to provide legal assistance to low-income New Yorkers in civil legal matters involving life's basic necessities. Charged with organizing annual public hearings in the state's four Judicial Departments to assess the unmet need for civil legal assistance and identify the necessary resources to meet that need, the Task Force to Expand Access to Civil Legal Services in New York issues a yearly report with its findings and recommendations.

In its 2012 report, the task force concluded that "this crisis of the unrepresented has continued unabated over the past year ... exacerbated by the dramatic decline in revenue available from the Interest on Lawyer Account Fund of New York State, which provides funding for legal assistance for low-income New Yorkers." Two years ago, the task force announced a multi-year plan, calling for a gradual increase in the Judiciary's budget allocation for civil legal services funding to help address this shortfall.

The Judiciary's 2012-2013 fiscal year budget included a $25 million allocation for civil legal services, with these funds distributed by the Oversight Board for Judicial Civil Legal Services Funds in New York to eligible nonprofit civil legal services organizations around the state, linking thousands of indigent New Yorkers to urgently needed legal assistance in housing, family and other matters.

Independent evaluations by nationally recognized experts show that providing more lawyers for low-income people not only improves the efficiency of our legal system but also brings many socioeconomic benefits to New York State, from preventing homelessness and domestic violence to helping New Yorkers obtain unpaid wages and federal benefits to which they are entitled. To view the Task Force's 2012 report, go to **www.nycourts.gov/ip/access-civil-legal-services/**.

PRO BONO EFFORTS

New Bar Admission Requirement Aims to Boost Pro Bono Legal Assistance

PROSPECTIVE ATTORNEYS WILL NOW HAVE TO FULFILL a 50-hour pro bono service requirement before being licensed to practice law in New York in accordance with a new rule (22 NYCRR § 520.16) that takes effect in January 2013, making New York the first state to require bar applicants to perform pro bono service prior to admission. One of a series of measures initiated by the court system to help bridge the state's access to justice gap, the new bar admission requirement aims to provide meaningful experiences for law students that will instill in aspiring lawyers a life-long commitment to pro bono legal assistance and public service.

Recommendations on implementation of the new rule were formulated by the Advisory Committee on Pro Bono Bar Admission Requirements, a panel appointed by the Chief Judge in May that sought input from law schools, legal service providers, bar associations, government legal officers and other interested parties.

Under the new rule, bar applicants must file an Affidavit of Compliance with the appropriate Appellate Division department, whose respective Committees on Character and Fitness oversee and approve all admissions to the bar. The affidavit must include the nature, place and dates of the pro bono work, the number of hours completed, and a certification by the supervising attorney or judge confirming the applicant's pro bono activities. Such activities must be law-related and may include work in the traditional pro bono areas of legal services for the poor and unrepresented, in public service—including in the Judiciary and throughout the levels of federal, state and local government—and for nonprofit organizations. For more details about the new rule, visit **www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml**.

STATEWIDE PROGRAM BOLSTERS ATTORNEYS' VOLUNTEER EFFORTS

THE NEW YORK STATE COURTS' ACCESS TO JUSTICE PROGRAM—whose mission is to eliminate barriers to justice for New Yorkers of all incomes, backgrounds and special needs—oversees a variety of court-based volunteer attorney programs that in 2012 provided legal advice and limited-scope representation to over 14,000 unrepresented litigants in consumer debt, landlord-tenant and other critical legal matters. From programs that aim to promote a culture of public service among prospective and newly admitted attorneys to the Attorney Emeritus Program, which engages lawyers who are 55 and older in pro bono legal service, these efforts rely on partnerships with nonprofit organizations, law schools, law firms, government agencies and bar associations.

To learn more about the Access to Justice Program's 2012 pro bono efforts, go to **www.nycourts. gov/ip/nya2j/pdfs/NYA2J_2012report.pdf**.

SELF-HELP TOOLS AND RESOURCES

THE COURTS' STATEWIDE ACCESS TO JUSTICE PROGRAM (see above) continued to develop and expand technology-based tools and other resources to help individuals without legal representation navigate the justice system.

Usage of the Access to Justice Program's interactive, online Do-It-Yourself (DIY) Forms, which guide litigants to prepare ready-to-file court forms in landlord-tenant, child support and other civil matters, grew significantly in 2012. Seven new forms were created in the past year, with all DIY forms accessible via

CourtHelp (**www.nycourthelp.gov**), a website designed for unrepresented litigants and maintained by the Access to Justice Program that had more than 793,000 unique visits over the past year.

Unrepresented litigants can also seek assistance at the Access to Justice Program's court-based help centers. Located around the state and staffed by a mix of court attorneys and court clerks, these centers offer free legal and procedural information on family, housing and other matters, operating on a first-come, first-serve basis.

With the addition in January of a new help center in Rochester City Court—a collaboration of the Unified Court System, Volunteer Legal Services of Monroe County, the Monroe County Bar Association and other partners—court help centers assisted over 21,000 people statewide in 2012. For a list of court help centers, including locations and operating hours, go to **www.nycourthelp.gov**.

IMPROVING CASE OUTCOMES FOR AT-RISK FAMILIES

CHILD WELFARE COURT IMPROVEMENT PROJECT

THE CHILD WELFARE COURT IMPROVEMENT PROJECT (CWCIP) is a federally funded program that supports the Family Court's mandate to promote the safety, permanency and well-being of abused and neglected children. The court system's CWCIP team worked diligently throughout 2012, supporting local efforts across New York State to achieve better case outcomes for children and families, with notable improvements, both in terms of moving these cases forward and attaining permanent family placements for children involved in the foster care system.

Among other initiatives, the CWCIP partnered with the University of Buffalo on a project designed to ameliorate the impact of trauma on maltreated children; hosted the National Council of Juvenile and Family Court Judges' Child Abuse and Neglect Institute; co-sponsored three regional training programs on adolescent transitions; coordinated numerous local training programs throughout the state; supported the Judiciary's efforts to address the over-representation of children of color in our foster care and juvenile justice systems; and worked with New York City Family Court and the court system's Division of Technology and Office of Court Research to enhance child welfare data-reporting methods. The CWCIP's endeavors continue to be greatly enriched by its strong partnerships with government entities, nonprofit organizations and other child-welfare stakeholders. For more information about the CWCIP, go to **www.nycourts.gov/ip/cwcip**.

CHILDREN'S CENTERS PROGRAM

THE COURTS' CHILDREN'S CENTERS PROGRAM oversees a statewide network of drop-in child care centers with a two-pronged mission: to provide quality child care to youngsters while their parents are in court, and to connect children and families to vital services with the aim of improving their life chances. During their stay at the centers, youngsters engage in activities designed to encourage a life-long love of reading.

In 2012, approximately 37,000 children were served by 27 Children's Centers located in Family Courts across the state. The centers provided over 11,500 referrals this year, with referrals to food pantries and food assistance services surpassing referrals to child care and early education programs for the first time since the inception of the program. Visit the Children's Centers Program online at **www.nycourts.gov/childrenscenter/index.shtml**.

PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN

THE NEW YORK STATE PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN was established in 1988 to improve the lives of children involved with the New York State courts. While the Commission's earlier focus was on infants and younger children, much of its recent work targets teens in New York's foster care and juvenile justice systems.

The Commission centered its efforts this year on reforming school disciplinary policies and practices to help keep youngsters in school and out of court, facilitating a two-year New York City School-Justice Partnership Task Force and convening the first National Leadership Summit on School-Justice Partnerships. A three-day event held in New York City in March, the summit brought together a range of experts from around the country to develop concrete strategies to improve school disciplinary practices.

The current body of research on this issue, which was presented at the summit, indicates that school suspensions and expulsions are an ineffective way to improve student behavior, correlating significantly with higher school dropout rates and increased involvement in the juvenile and criminal justice systems. The summit also explored the disproportionate use of these practices among students of color and special education students, even for minor misbehavior, and highlighted emerging, less punitive practices to address student misbehavior that have been designed to promote safe, respectful and supportive learning environments. The meeting also provided opportunities for participants to develop cross-disciplinary relationships.

To learn more about the work of the New York State Permanent Judicial Commission on Justice for Children, visit **www.nycourts.gov/justiceforchildren**.

OFFICE OF THE ATTORNEY FOR THE CHILD CONTRACTS

THE COURT SYSTEM'S OFFICE OF THE ATTORNEY FOR THE CHILD CONTRACTS (AFC) oversees 11 Attorney for the Child agencies that serve the legal needs of children in certain court proceedings in accordance with New York State law, giving youngsters a voice in child protective, juvenile delinquency, child custody and other matters that affect their lives. AFC provides training, fiscal oversight and other administrative support to these agencies.

Even with the difficult economic climate—compounded by increased workloads brought on by recent laws pertaining to child welfare and family offense proceedings—the Attorney for the Child agencies maintained workload standards to promote the effective representation of children as set forth in Rule 127.5 (Rules of the Chief Administrative Judge).

During 2012, AFC, in collaboration with the CWCIP (p. 8), held an annual legal update for agency-affiliated attorneys and social workers. The program covered issues relating to domestic violence, child custody and adolescent development. Other training initiatives this year included domestic violence programs held in Rochester and White Plains, presented in collaboration with the respective departments of the Appellate Division and funded by a U.S. Department of Justice S.T.O.P. Violence Against Women Formula Grant; and a training session in Buffalo that focused on juvenile justice issues, presented in collaboration with the Appellate Division, Fourth Department.

Also this year, the AFC continued its participation on the Statewide Advisory Committee on Counsel for Children, which addresses issues involving the representation of children in the New York State court system. To learn more about the Office of the Attorney for Child Contracts, visit **www.nycourts.gov/attorneys/childcontracts/**.

HALTING THE REVOLVING DOOR OF JUSTICE

PROBLEM-SOLVING COURTS

FOR MORE THAN TWO DECADES, the court system has implemented a variety of problem-solving court models to address drug addiction and other underlying problems that often bring people into the criminal justice system in an effort to improve outcomes for victims, communities and defendants. These courts employ specially trained judges and staff, intensive judicial monitoring of offenders, and coordination with outside services and agencies, among other distinguishing features. Problem-solving courts take different forms depending on the issues they are designed to address. **Drug and mental health courts** focus on treatment and rehabilitation. **Community courts** combine treatment, community responsibility, accountability and support to both litigants and victims. **Sex offense, domestic violence and integrated domestic violence courts** combine judicial monitoring with mandated programs and probation to ensure compliance, facilitate access to services and improve the way our system manages cases.

The first of these problem-solving models to emerge in New York were drug courts. Today, family, criminal, juvenile and town and village court treatment parts operate across the state, with tens of thousands of individuals successfully completing drug court treatment programs and hundreds of babies born drug-free.

The latest problem-solving court model to be launched in New York targets nonviolent 16- and 17-year old defendants. Between 40,000 and 50,000 16- and 17-year olds are arrested in New York each year and prosecuted as adults. Only a small percentage of these cases involve serious crimes, yet these offenders face criminal convictions that can adversely affect their ability to finish school, obtain employment and pursue other important life goals.

While studies show this approach neither improves public safety nor enhances quality of life in our communities—and scientific evidence indicates the adolescent brain is not fully matured—New York remains one of only two states to automatically charge 16-year olds like adults. At the request of the Chief Judge, the state's sentencing commission has proposed legislation to increase the age of criminal responsibility to 18 and establish a youth division to adjudicate nonviolent misdemeanor and felony cases of 16- and 17-year olds.

In the interim, **Adolescent Diversion Parts (ADPs)** are being established to steer cases of nonviolent 16- and 17-year old offenders to specially trained criminal court judges who understand the legal and psycho-social issues involving troubled adolescents and are familiar with the range of age-appropriate services and interventions specifically intended to meet the needs and risks of this population.

This year, ADPs were launched in all five boroughs of New York City as well as in Onondaga, Erie, Westchester and Nassau counties. A study conducted by the Center for Court Innovation, which serves as the courts' independent research arm, revealed that the overwhelming majority of cases adjudicated in these parts were resolved without the imposition of criminal records or jail time; adolescents whose cases were heard in the ADPs were significantly less likely than comparison groups to be re-arrested for felonies; and among those adolescents at highest risk for being re-arrested, ADP participation substantially reduced re-arrest rates.

As of the end of this year, there were 293 problem-solving courts in operation statewide, including the nine Adolescent Diversion Parts. The vast majority of these courts operate within the framework of existing court parts, sharing staff and other resources. More information about New York's problem-solving courts is available at **www.nycourts.gov/problem_solving**.

ADDRESSING THE NEEDS OF NON-ENGLISH SPEAKERS AND THE HEARING-IMPAIRED

PART 217 OF THE UNIFORM RULES FOR N.Y.S. TRIAL COURTS, which mandates the appointment of a court interpreter at no cost to the user in both criminal and civil cases, has served as a model for the American Bar Association and U.S. Department of Justice in drafting language-access guidelines. In 2012, the New York State Unified Court System remained at the forefront in this area, providing interpreting services to non-English speaking and hearing-impaired criminal defendants as well as to witnesses, crime victims and parties in civil cases who have a language or hearing barrier. Court interpreting services were offered in 106 different languages in more than 60,000 civil and criminal cases. The most frequently requested languages statewide this past year, in descending order, were Spanish, Mandarin, Russian, Haitian Creole and Cantonese.

The New York Judiciary was also among the first court systems in the country to implement system-wide remote interpreting, enabling interpreters to appear for the court by video or teleconference when an on-site interpreter is not available. There were over 400 remote interpreter appearances throughout the state in 2012, allowing cases to go forward without delay and saving on travel costs to distant locations.

For more information, visit **www.nycourts.gov/courtinterpreter/index.shtml**.

IMPROVING NY'S TOWN AND VILLAGE COURTS

NEW YORK'S 1,200-PLUS TOWN AND VILLAGE COURTS serve towns and villages in the 57 counties outside New York City, handling a range of civil matters, trying misdemeanors and violations, and conducting felony arraignments and preliminary hearings. These courts handle nearly two million cases annually and are also responsible for collecting millions of dollars per year in statutory fines, fees and surcharges.

While constitutionally part of the Unified Court System, town and village courts are supported mostly through local funding, with many municipalities in recent years lacking the financial and other resources to adequately support these courts. The Office of Court Administration developed a comprehensive action plan in 2006 to enhance town and village court operations that called for updating courthouse facilities and technology, and stepping up training for town and village court justices—the majority of whom are non-lawyers—and staff to ensure these courts are fully prepared to carry out their myriad responsibilities.

Implementation of the action plan moved forward in 2012, with administrative, training and other town and village court functions centralized within the court system's Office of Justice Court Support, which was established in 2007. Since the plan was launched, new computers, printers, digital recorders and other equipment have been installed in town and village courts around the state, justices and their staff have been incorporated into the Unified Court System's email system, training programs for justices and clerks have been revamped, and free online access to legal databases has been made available to town and village court justices.

In keeping current with the latest technology—and to provide more cost-effective training programs for town and village court justices and staff—web-based training was further refined and expanded this year. Additionally, a project was initiated to enhance the town and village courts' website to allow for easier navigation as well as mobile access.

HELPING PARTIES RESOLVE DISPUTES OUT OF COURT

TRAINING AND OVERSIGHT OF ADR PRACTITIONERS

THE COURT SYSTEM'S ALTERNATIVE DISPUTE AND RESOLUTION (ADR) OFFICE promotes the use of mediation and other forms of ADR, developing guidelines for the approval of training programs and establishing statewide qualifications and training requirements for mediators and neutral evaluators serving on court rosters (in accordance with Part 146 of the Rules of the Chief Administrative Judge). The ADR office approved 10 mediation courses in 2012.

The office also conducts ADR training programs for legal professionals who wish to serve on court rosters, this year offering training in advanced commercial mediation, divorce mediation and neutral evaluation skills to attorneys and retired judges throughout the state. Additionally, ADR office staff conducted workshops on settlement techniques for new judges and coached new mediators at bar association and law school programs. For more details, including information about Part 146-approved courses, go to **www.nycourts. gov/adr**.

COMMUNITY DISPUTE RESOLUTION CENTERS

THE UNIFIED COURT SYSTEM PROVIDES FUNDING to a statewide network of not-for-profit community resolution centers (CDRCs) that offer a wide range of dispute resolution services on matters referred by courts, municipal agencies, probation departments, police departments, social service providers and other entities. Parties may also contact CDRCs directly.

The majority of matters are mediated, with CDRCs providing mediation in small claims, housing, family, divorce, child custody and minor criminal matters. Some 1,000 professionally trained mediators volunteer their services to the CDRCs. Matters referred for arbitration include consumer-merchant disputes, matrimonial property division issues and automobile Lemon Law cases.

During 2012, CDRCs served 74,781 people, resolving 75.2 per cent of the 16,715 cases in which dispute resolution services were provided. Family matters, including child custody, visitation and support, accounted for 27.7 per cent of these cases.

MEDIATOR ETHICS ADVISORY COMMITTEE

The Mediator Ethics Advisory Committee was created in 2006 to respond to inquiries from mediators in Community Dispute Resolution Centers (CDRCs), promote professional development and consistency of practice among dispute resolution practitioners, and recommend changes to the Mediator Standards of Conduct for the New York State Community Dispute Resolution Center Mediators that govern mediators who provide dispute resolution services under the auspices of a CDRC.

Committee opinions are available at **www.nycourts.gov/ip/adr/MEAC.shtml**.

COLLABORATIVE FAMILY LAW CENTER

Located in lower Manhattan, the court system's Collaborative Family Law Center was launched in 2009 to provide free or reduced-fee alternative dispute resolution services to eligible couples in New York City to help reduce the pain, trauma and expense of divorce on families.

Under collaborative law, each spouse agrees not to litigate and hires a specially trained lawyer, with the couple and their respective attorneys working to resolve divorce-related disputes, mutually deciding on such issues as child custody and finances. If the negotiations break down and the parties decide to take their case to court, the collaborative process ends and each spouse proceeds with new counsel. Communications made during the collaborative process are confidential and cannot be used against either party in subsequent hearings.

In 2012, the Collaborative Family Center provided divorce-related assistance and information to over 2,000 families. Through a partnership with the Cardozo School of Law Divorce Mediation Clinic, over 100 families received free divorce mediation services, successfully diverting these cases from the court's contested divorce calendars.

ATTORNEY-CLIENT FEE DISPUTE RESOLUTION PROGRAM

The Unified Court System's statewide Fee Dispute Resolution Program was established in January 2002 to resolve attorney-client disputes over legal fees. Disputes may be arbitrated or mediated. In 2012, 655 attorney-client disputes were arbitrated, of which arbitrators issued awards in 418 cases. Parties agreed to settle or mediate their fee dispute in 181 cases. Additionally, 263 attorney-client fee disputes were either dismissed for lack of jurisdiction or withdrawn by the filing party. Statewide, the average amount in dispute was $12,968, a 9.5 per cent decrease from 2011.

NY COUNTY SUPREME COURT MATRIMONIAL NEUTRAL EVALUATION PROGRAM

In May and June of 2012 the courts' Alternative Dispute Resolution staff conducted two full-day neutral evaluation skills workshops to prepare for the launch of the New York County Supreme Court's Matrimonial Neutral Evaluation Program (MNEP). The MNEP is a collaborative effort of the courts' Office of Alternative Dispute Resolution, New York County Supreme Court-Civil Term, Matrimonial Law Committee of the New York City Bar, Matrimonial Law Section of the New York County Lawyers' Association, New York Women's Bar Association and New York Chapter of the American Academy of Matrimonial Lawyers. Sixty-seven matrimonial attorneys, including court attorneys, participated in the two workshops. Justices in matrimonial parts have already referred 30 cases to the MNEP.

ROCKLAND COUNTY SUPREME COURT DIVORCE MEDIATION PROGRAM

In October 2012, the courts' Office of Alternative Dispute Resolution conducted the first portion of a two-day advanced divorce mediation training program to prepare for the launch of a court-connected Matrimonial Mediation Program in Rockland County Supreme Court that is being co-sponsored by the Rockland County Women's Bar Association.

HARNESSING TECHNOLOGY TO MAXIMIZE EFFICIENCY

UPGRADES TO THE COURTS' AUTOMATED CASE PROCESSING SYSTEM—the Universal Case Management System (UCMS)—continued throughout 2012, with enhancements made to the UCMS-Local Civil application to provide comprehensive user workload reporting, case summary reporting and printing of annotated calendars, among other increased capabilities. Work to implement the application statewide was

ongoing, with 70 court locations using UCMS-Local Civil by year's end. Development of automated case management systems for Supreme and County Courts also advanced in 2012.

Other technology-related advances in 2012 included development of a mobile version of WebCivil, a web application that provides statewide information about Supreme-Civil cases, such as court calendars and decisions; creation of a new application called CourtDocs, which was launched on a pilot basis to provide secure, paperless transmission of court documents to attorneys and agencies; expansion of the automated Family Court case management system to accept family offense petition information electronically from Probono.net—a national resource for lawyers who provide pro bono legal assistance to Family Court litigants—expediting the processing of these cases; modifications to various criminal applications that have led to better reporting of criminal dispositions to the State Division of Criminal Justice Services; and website improvements such as the addition of New York City summons cases to eTrack, the courts' free, electronic case-tracking system that this year had over 50,000 subscribers. The courts' high-speed network (CourtNet) continued in 2012 to play an integral role in training and public outreach efforts, with 51 events broadcast via CourtNet.

POST-SANDY EFFORTS

The Office of Court Administration set up an emergency command center when Superstorm Sandy hit the New York area in October. Despite extensive damage and power outages in many areas, interruptions to court operations were minimized thanks largely to the herculean efforts of the courts' technology staff, who worked feverishly in the days and weeks following the hurricane, monitoring technology systems during power shutdowns, rebuilding damaged systems, rerouting network lines, and restoring databases and phone systems.

SEEKING MEASURES TO BETTER MANAGE FORECLOSURE CASES

RESIDENTIAL FORECLOSURE CASES CONTINUE TO REPRESENT a significant percentage of the court system's civil caseload. In 2009, the State Legislature mandated court-supervised settlement conferences in an effort to bring the lender and homeowner together to help mediate a loan modification or other solution to stop the foreclosure from proceeding. Approximately 70,000 foreclosure settlement conference appearances took place in 2012.

Over the past year, the court system established a statewide committee to study the foreclosure inventory in an effort to maximize the productivity of the conference phase and seek measures aimed at better managing residential foreclosure matters. The committee provided oversight in implementing two pilot programs in 2012, including an initiative in Kings County designed to address the "shadow inventory" of foreclosure cases—actions that cannot proceed to foreclosure conferences because they lack the required documentation.

Under this program, homeowners whose cases would otherwise remain in legal limbo are notified to appear in court for a status conference (even though no request for judicial intervention has been filed). Legal service providers and housing counselors are present to confer with each homeowner who appears. Eligible cases where the homeowners wish to proceed are scheduled for a foreclosure settlement conference with the lender. The early results of the Kings County pilot are promising, with similar programs being planned to address shadow inventories in other counties.

BUILDING ON THE SUCCESS OF NY'S COMMERCIAL DIVISION

THE UNIFIED COURT SYSTEM ESTABLISHED the Commercial Division of the Supreme Court 18 years ago to offer businesses a forum in which to bring their disputes for efficient, effective resolution.

In early 2012, working to build on the Commercial Division's success and ensure its vitality in this time of vastly increased demands and shrunken resources, the Chief Judge appointed the Task Force on Commercial Litigation in the 21st Century.

Comprising current and retired judges, experienced business lawyers and commercial litigators, professors of law and business leaders, the task force focused on several areas of study, including streamlining procedures, managing the flow of cases and decisions more effectively, re-evaluating the threshold amount-in-controversy for entry into the Commercial Division, and engaging more closely with the corporate academic community and the bar to ensure that judges and court staff benefit from the most up-to-date independent perspectives and information.

In June, the task force released a comprehensive report with more than 20 recommendations, calling for measures that include: increasing the monetary threshold for cases entering the Commercial Division in New York County; creating a panel of special masters made up of experienced commercial litigators to preside over discovery and other matters upon the consent of the parties; establishing a searchable database of all Commercial Division decisions; developing a pilot mandatory mediation program and procedures for early settlement-related discovery; and appointing a permanent statewide advisory council to facilitate further review of the Commercial Division's needs and goals and advise the Chief Judge on an ongoing basis of the implementation of task force recommendations.

The task force report is available at **www.nycourts.gov/comdiv**.

PROMOTING DIVERSITY AND GENDER FAIRNESS IN NY'S LEGAL COMMUNITY

THE UNIFIED COURT SYSTEM CELEBRATES DIVERSITY and has a longstanding commitment to equal employment opportunity, the elimination of the under-representation of minorities and women in the workforce, and the fair and equal treatment of minorities and women within the court system.

The Franklin H. Williams Judicial Commission works to promote racial diversity and cultural sensitivity in the courts and legal profession. The commission's efforts this year included coordinating a class on cultural sensitivity and diversity as part of the training for new judges held at the Judicial Institute (p. 16); sponsoring, with the Association of the Bar of the City of New York, a program aimed at encouraging people of color to pursue judicial careers titled "Pathways to the Bench and Beyond"; hosting the 2012 Diversity Awards to honor lawyers, judges and other members of the legal community who promote racial and ethnic fairness in the courts; meeting with the Chief Judge, Chief Administrative Judge and other court leaders on issues relating to diversity and inclusiveness in the courts and legal profession; publishing an online newsletter to inform court employees, members of the legal community and the general public about diversity-related initiatives, achievements and events.

For more information, visit **www.nycourts.gov/ip/ethnic-fairness/**.

The New York State Judicial Committee on Women in the Courts is committed to achieving gender fairness in the court system and greater community. Among its efforts this year, the committee collaborated with the Lawyers Committee against Domestic Violence to present a continuing legal education program on relevant national laws and policies; contributed to the planning of a conference held at Fordham University School of Law on New York's efforts to combat sex trafficking; provided assistance to the courts' statewide network of gender fairness committees on Domestic Violence Awareness Month and Women's History Month events; continued to chart the progress of women in New York's Judiciary; responded to litigants' complaints regarding gender-related issues; and completed work on a volume of the New York University Review of Law and Social Change dedicated to a symposium commemorating the committee's 25-year anniversary. Visit the committee online at **www.nycourts.gov/ip/womeninthecourts/index.shtml**.

ENHANCING PUBLIC UNDERSTANDING OF THE COURTS

IN 2012, THE COURT SYSTEM ENGAGED IN A VARIETY OF ACTIVITIES to foster public understanding of the work of the Judiciary and raise awareness about court initiatives, including conducting public outreach in the Seventh Judicial District to highlight the vital role of jurors in our democracy in an effort to increase the diversity of jury pools; promoting the benefits of mediation in appropriate cases to help parties resolve disputes out of court; collaborating with social studies teachers from New York City's Urban Assembly School for Criminal Justice to develop an introductory seminar for students on the structure and workings of the New York State court system; coordinating a statewide Student Ambassador program for college students; arranging court tours and informational sessions about the courts for delegations from Bangladesh, China, Korea and Turkey; and maintaining a public events calendar and other online tools to inform the public about court initiatives and events.

For more information, go to **www.nycourts.gov/admin/publicaffairs**.

FOSTERING INFORMED VOTER PARTICIPATION IN JUDICIAL ELECTIONS

THE JUDICIAL CAMPAIGN ETHICS CENTER serves as a central resource on campaign ethics for judicial candidates and informs the public about judicial elections in New York State. In 2012, there were 154 candidates for state-paid elective judicial office vying for 98 seats in the general election, in addition to numerous town and village court elections.

Over the course of the year, the center fielded approximately 200 ethics-related inquiries from judicial candidates and provided campaign ethics training to 180 candidates. More than 39,000 visitors accessed the center's annual online Judicial Candidate Voter Guide in the period leading up to the general election.

The center also updated its website to help candidates better understand and comply with the court system's financial disclosure requirements.

For more information about the center, visit **www.nycourts.gov/ip/jcec**.

PROMOTING EXCELLENCE IN JUDICIAL EDUCATION

THE JUDICIAL INSTITUTE, located on the Pace University School of Law campus in Westchester County, is

a year-round center for education and scholarship designed to enhance the quality of the courts and ensure judicial excellence.

In 2012, the Judicial Institute continued to provide judicial and court attorney education in both live and distance learning settings, including programs for new judges, matrimonial judges and court attorney-referees. The Judicial Institute expanded access to its distance learning programs through the launch of an extensive and easily searchable course catalog that contains hundreds of hours of educational programming. The institute was also the co-sponsor of several educational programs, including a program with the New York State Institute on Professionalism and the Law and the Pace University School of Law titled "Lawyer Independence Challenges and In-House Corporate Counsel." Additionally, the institute was the site of national programs, including "Undoing Racism" and "Child Abuse and Neglect Institute: The Role of the Judge," both of which were sponsored by the National Council of Juvenile and Family Court Judges. To learn more go to **www.nycourts.gov/ip/judicialinstitute/index.shtml**.

OFFERING TRAINING AND SUPPORT TO LAY GUARDIANS

THE OFFICE OF GUARDIAN AND FIDUCIARY SERVICES (GFS) provides training and other support services to judges, non-judicial court employees, attorneys and other professionals in the areas of guardianship practice under Article 81 of the Mental Hygiene Law and fiduciary appointments under Part 36 of the Rules of the Chief Judge. GFS also coordinates training-related assistance for lay guardians, including family members and friends of the incapacitated person, via the Guardian Assistance Network (GAN). Since 2006, GAN has provided live training to over 1,200 lay guardians in the metropolitan New York area. In April 2011, GAN launched a free online training program designed exclusively for lay guardians, with some 800 lay guardians completing online training as of the end of 2012.

UPDATING FACILITIES TO MEET THE COURTS' EVOLVING NEEDS

NEW YORK COURT FACILITIES are provided and maintained by the cities and counties they serve. Since the Court Facilities Act was passed in 1987—in response to inadequacies in many court facilities—the Unified Court System has extended financial assistance and guidance to local governments to help them meet their court facilities-related responsibilities. Amendments to the act have enhanced the state's role and increased financial assistance to localities. The result is many new and substantially renovated facilities throughout the state.

Several court renovation and construction projects advanced in 2012, including renovations to court facilities in Staten Island and Brooklyn that are expected to be completed in 2013, and renovations to Bronx County's Family Courthouse and Criminal Courthouse that are slated for completion in 2015. Outside of New York City, Columbia County broke ground on a new addition to its historic Hudson City Courthouse, scheduled for completion in 2013; and renovations advanced on the Suffolk County Courthouse in Riverhead, also slated for completion next year.

COURT STRUCTURE AND CASELOAD ACTIVITY

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

The UCS is made up of 11 separate trial courts: New York City Civil, New York City Criminal, City, District, town and village Justice, Supreme, County, Family, Surrogate's and the Court of Claims; the intermediate Appellate Terms and Appellate Divisions; and the Court of Appeals. This chapter describes the jurisdiction of these courts and provides an overview of their 2012 caseload activity.

APPELLATE COURTS

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

There are four **APPELLATE DIVISIONS OF THE SUPREME COURT**, one in each judicial department *(see chart)*. Their responsibilities include resolving appeals from judgments or orders of the superior courts of

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

JUDICIAL DEPARTMENTS BY COUNTY

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

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

original jurisdiction in civil and criminal cases; reviewing civil appeals taken from the Appellate Terms and County Courts acting as appellate tribunals; establishing rules governing attorney conduct; conducting proceedings to admit, suspend or disbar attorneys. Presiding and Associate Justices of each division are selected from the Supreme Court by the Governor. Presiding Justices serve for the remainder of their term; Associate Justices are designated for five-year terms or the remainder of their unexpired terms of office, if less than

TABLE 1 **CASELOAD ACTIVITY IN THE COURT OF APPEALS – 2012**

Applications Decided [CPL 460.20(3(b))]	2,096
Records on Appeal Filed	263
Oral Arguments (Includes Submissions)	197
Appeals Decided	240
Motions Decided	1,373
Judicial Conduct Determinations Reviewed	1

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

BASIS OF JURISDICTION	AFFIRMED	REVERSED	MODIFIED	DISMISSED	OTHER*	TOTAL
All Cases:						
Dissents in Appellate Division	16	4	1	0	0	21
Permission of Court of Appeals or Judge thereof	85	51	16	0	0	152
Permission of Appellate Division or Justice thereof	29	14	7	1	0	51
Constitutional Question	4	1	1	0	0	6
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	0	0	1	0	9	10
Total	134	70	26	1	9	240
Civil Cases:						
Dissents in Appellate Division	16	4	1	0	0	21
Permission of Court of Appeals	41	28	7	0	0	76
Permission of Appellate Division	20	11	5	0	0	36
Constitutional Question	4	1	1	0	0	6
Stipulation for Judgment Absolute	0	0	0	0	0	0
Other	0	0	1	0	9	10
Total	81	44	15	0	9	149
Criminal Cases:						
Permission of Court of Appeals Judge	44	23	9	0	0	76
Permission of Appellate Division Justice	9	3	2	1	0	15
Other	0	0	0	0	0	0
Total	53	26	11	1	0	91

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

five years. The Appellate Divisions' caseload activity is listed in **TABLE 2**.

APPELLATE TERMS OF THE SUPREME COURT IN THE FIRST AND SECOND DEPARTMENTS hear appeals from civil and criminal cases originating in New York City's Civil and Criminal Courts. In the Second Department, the Appellate Terms also hear appeals from civil and criminal cases originating in District, City, and town and village Justice Courts. Justices are selected by the Chief Administrator, upon approval of the Presiding Justice of the appropriate Appellate Division. The Appellate Terms' caseload activity is listed in **TABLE 3**.

TABLE 2 CASELOAD ACTIVITY IN THE APPELLATE DIVISION – 2012

	FIRST DEPT		SECOND DEPT		THIRD DEPT		FOURTH DEPT		TOTAL
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	
Records on Appeal Filed	**1,854**	**769**	**3,085**	**736**	**1,455**	**366**	**863**	**565**	**9,693**
Disposed of before argument or submission (e.g., dismissed, withdrawn, settled)	184	100	6,044	919	0	0	0	0	7,247
Disposed of after argument or submission:									
Affirmed	1,181	464	1,508	558	894	310	429	412	5,756
Reversed	366	36	694	93	141	28	127	42	1,527
Modified	305	31	300	59	136	33	120	60	1,044
Dismissed	225	7	348	4	119	10	181	11	905
Other	68	7	126	154	2	0	9	5	371
Total Dispositions	**2,329**	**645**	**9,020**	**1,787**	**1,292**	**381**	**866**	**530**	**16,850**

	FIRST DEPT	SECOND DEPT	THIRD DEPT	FOURTH DEPT	TOTAL
Oral Arguments*	1,280	2,012	693	863	**4,848**
Motions Decided*	5,130	10,948	6,686	4,798	**27,562**
Admissions to the Bar	2,659	2,534	4,130	351	**9,674**
Atty. Disciplinary Proceedings Decided	165	185	42	90	**482**

***Not broken down by civil or criminal**

TABLE 3 CASELOAD ACTIVITY IN THE APPELLATE TERMS – 2012

	FIRST DEPT			SECOND DEPT			TOTAL
	Civil	Criminal	Total	Civil	Criminal	Total	
Records on Appeal Filed	**271**	**160**	**431**	**1,857**	**790**	**2,647**	**3,078**
Disposed of before argument or submission (e.g. dismissed, withdrawn, settled)	22	4	26	1,298	712	2,010	2,036
Disposed of after argument or submission:							
Affirmed	108	34	142	349	100	449	591
Reversed	70	9	79	259	55	314	393
Modified	31	-	31	67	4	71	102
Dismissed	19	-	19	50	4	54	73
Other	4	-	4	21	11	32	36
Total Dispositions	**254**	**47**	**301**	**2,044**	**886**	**2,930**	**3,231**
Oral Arguments*			189			314	503
Motions Decided*			1,776			5,761	7,537

***Not broken down by civil or criminal**

TRIAL COURTS

IN 2012, 4,058,891 cases were filed statewide in the trial courts. Excluding parking tickets, filings totaled **3,933,113**–42 percent of which were criminal filings, 37 percent civil filings, 18 percent Family Court filings and 3 percent Surrogate's Court filings. **TABLE 4** shows total filings in the trial courts over a five-year period. **FIGURE A** shows the percentage of filings by case type.

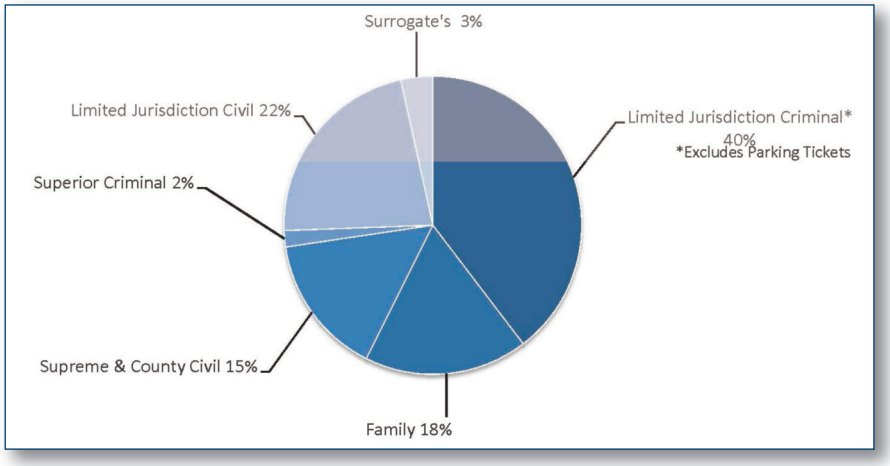
THE SUPREME COURT generally handles cases outside the authority of the lower courts such as civil matters beyond the monetary limits of the lower courts' jurisdiction; divorce, separation and annulment proceedings; equity suits, such as mortgage foreclosures and injunctions; and criminal prosecutions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

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

COURT	2008	2009	2010	2011	2012
CRIMINAL					
Supreme and County Courts Criminal	81,267 [a]	80,837 [a]	85,661 [a]	77,842 [a]	69,552 [a]
Criminal Court of the City of NY[b]	869,479	888,181	913,365	861,378	851,369
City & District Courts Outside NYC[b]	780,788	772,176	756,767	723,008	707,019
Parking Tickets	163,391	156,173	150,804	166,181	125,778
Criminal Total	1,894,925	1,897,367	1,906,597	1,828,409	1,753,718
CIVIL					
Supreme Court Civil[c]	440,157	466,470	474,440	440,026	453,846
Civil Court of the City of NY[d]	958,676	909,064	820,355	717,632	616,197
City & District Courts Outside NYC[d]	382,171	358,529	336,141	293,973	253,269
County Courts Civil[e]	34,380	42,178	37,453	48,349	49,573
Court of Claims	1,707	1,696	1,561	1,505	1,526
Small Claims Assessment Review Program[e]	77,257	85,265	96,720	33,729	96,049
Civil Total	1,894,348	1,863,202	1,766,670	1,535,214	1,470,460
FAMILY	739,662 [f]	742,365 [f]	720,850 [f]	717,818 [f]	698,372 [f]
SURROGATE'S	142,330	138,182	138,396	139,805	136,341
Total	**4,671,265**	**4,641,116**	**4,532,513**	**4,221,246**	**4,058,891**

[a] Includes felonies and misdemeanors, of which 22,294 were misdemeanor filings in 2012.
[b] NYC includes arrest and summons cases; outside NYC includes arrest cases and uniform traffic tickets.
[c] Includes new cases, ex parte applications and uncontested matrimonial cases.
[d] Includes civil, housing, small claims and commercial claims.
[e] Includes new cases and ex parte applications.
[f] Includes Permanency Planning Hearings Held.

FIGURE A TRIAL COURT FILINGS BY CASE TYPE – 2012

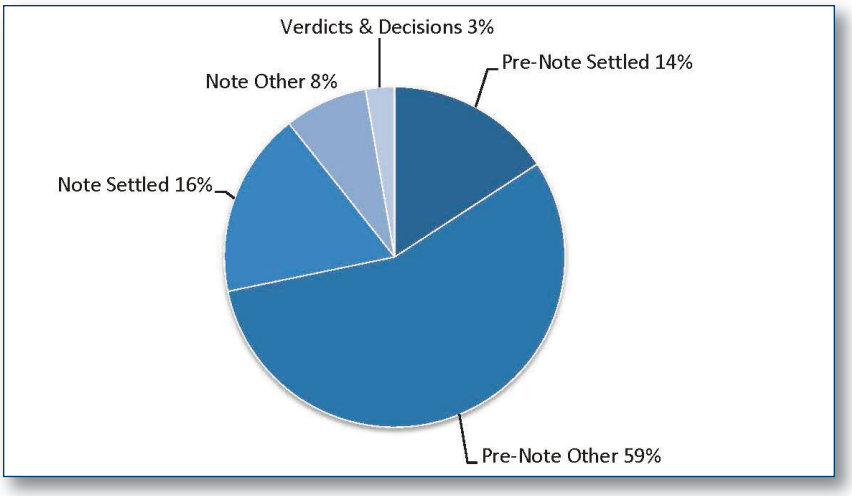


CIVIL CASES

DURING 2012 there were **453,846** civil filings in Supreme Court, including **174,424** new cases, **233,221** ex parte applications and **46,201** uncontested matrimonial cases. A total of **472,904** matters reached disposition. Three standard-and-goal periods measure the length of time from filing a civil action to disposition. The first or "pre-note" standard measures the time from filing a request for judicial intervention (RJI)—when parties first seek some form of judicial relief—to filing the trial note of issue, indicating readiness for trial. The second or "note" standard measures the time from filing the note of issue to disposition. The third standard covers the entire period from filing the RJI to disposition. The respective time frames are 8-15-23 months for expedited cases; 12-15-27 months for standard cases; and 15-15-30 months for complex cases. In matrimonial cases, the standards are 6-6-12 months; in tax certiorari cases, 48-15-63 months. **FIGURE B** shows the breakdown of cases by manner of disposition.

COUNTY COURTS, located in each county outside New York City, handle criminal prosecutions of felonies and misdemeanors committed within the county, although in practice most minor offenses are handled by lower courts. County Courts also have limited jurisdiction over civil lawsuits, generally involving claims up to $25,000. County Courts in the Third and Fourth Departments, while primarily trial courts, hear appeals from cases originating in the city, town and village courts. County Court judges are elected to 10-year terms. The statistical data for the County Courts' felony caseload are reported in combination with

FIGURE B **SUPREME CIVIL DISPOSITIONS BY TYPE OF DISPOSITION – 2012**



the felony caseload data for Supreme Court in **TABLE 5**.

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

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

During 2012, **1,526** claims were filed and **1,803** cases decided.

TABLE 5

SUPREME CRIMINAL & COUNTY COURT – FELONY CASES 2012

	FILINGS			DISPOSITIONS						
Location	Total	Indictments	SCI's*	Total	Guilty Pleas	Convictions	Acquittals	Nonjury Verdicts	Dismissals	Other
TOTAL STATE	**47,258**	**31,026**	**16,232**	**49,417**	**43,165**	**1,174**	**471**	**411**	**3,374**	**822**
NYC	21,471	17,539	3,932	22,353	18,519	663	302	117	2,207	545
New York	6,832	5,991	841	7,570	6192	258	93	43	807	177
Bronx	4,540	3,865	675	4,442	3,535	68	70	18	652	99
Kings	6,007	5,384	623	5,874	4,969	184	86	18	431	186
Queens	3,523	1,920	1,603	3,764	3,228	139	51	38	241	67
Richmond	569	379	190	703	595	14	2	0	76	16
ONYC**	25,787	13,487	12,300	27,064	24,646	511	169	294	1,167	277
Albany	1,100	665	435	1,165	1,050	38	15	3	53	6
Allegany	107	33	74	132	126	1	0	0	4	1
Broome	709	294	415	745	668	20	7	2	47	1
Cattaraugus	285	202	83	270	234	3	2	1	29	1
Cayuga	267	146	121	305	277	6	0	2	17	3
Chautauqua	497	203	294	462	453	0	0	0	8	1
Chemung	303	280	23	337	288	10	3	20	13	3
Chenango	141	113	28	177	168	3	1	0	3	2
Clinton	274	105	169	284	273	6	2	1	1	1
Columbia	92	59	33	160	133	0	0	1	6	20
Cortland	203	108	95	137	125	2	1	0	6	3
Delaware	84	47	37	76	70	2	0	1	2	1
Dutchess	442	145	297	442	406	13	0	0	20	3
Erie	1,623	472	1,151	1,852	1,622	34	13	135	36	12
Essex	80	38	42	90	85	0	0	1	3	1
Franklin	141	78	63	165	145	4	0	0	3	13
Fulton	139	48	91	137	133	3	1	0	0	0
Genesee	213	87	126	220	207	7	1	2	1	2
Greene	93	25	68	102	98	0	0	0	3	1
Hamilton	11	3	8	10	9	0	0	0	1	0
Herkimer	168	40	128	175	165	2	0	0	8	0
Jefferson	513	145	368	529	519	4	0	0	6	0
Lewis	112	40	72	124	112	1	0	0	1	10
Livingston	221	106	115	217	205	6	0	1	4	1
Madison	138	34	104	158	142	7	0	0	7	2
Monroe	1,998	1,188	810	2,165	1,823	63	49	38	178	14
Montgomery	120	53	67	128	122	3	1	0	2	0
Nassau	2,093	1,042	1,051	2,152	1,902	41	13	14	169	13
Niagara	447	239	208	444	404	9	2	2	25	2
Oneida	822	638	184	826	765	13	2	5	40	1
Onondaga	1,301	692	609	1,299	1,180	31	8	4	67	9
Ontario	428	204	224	440	420	10	1	2	6	1
Orange	778	584	194	828	761	9	1	14	30	13
Orleans	120	108	12	133	120	1	0	0	6	6
Oswego	310	86	224	305	287	5	2	2	6	3
Otsego	94	61	33	108	102	4	1	0	1	0
Putnam	137	87	50	126	124	2	0	0	0	0
Rensselaer	327	149	178	379	328	3	13	1	33	1
Rockland	543	309	234	598	554	14	1	9	14	6
St. Lawrence	340	203	137	347	327	3	3	0	14	0
Saratoga	318	93	225	309	299	6	2	2	0	0
Schenectady	468	322	146	503	464	18	6	2	9	4
Schoharie	65	29	36	49	46	1	1	0	0	1
Schuyler	58	26	32	53	51	1	0	0	0	1
Seneca	139	69	70	117	111	2	1	0	3	0
Steuben	398	202	196	344	325	5	1	6	6	1
Suffolk	3,456	2,206	1,250	3,605	3,311	17	3	5	219	50
Sullivan	287	143	144	287	277	8	0	1	1	0
Tioga	99	60	39	115	107	4	0	1	2	1
Tompkins	185	94	91	190	173	1	3	2	6	5
Ulster	267	140	127	361	335	17	4	0	3	2
Warren	278	108	170	271	265	1	0	0	4	1
Washington	173	137	36	148	134	3	1	0	10	0
Wayne	225	171	54	283	235	1	1	2	8	36
Westchester	1,310	391	919	1,386	1,316	37	3	11	13	6
Wyoming	182	98	84	217	193	1	0	1	10	12
Yates	65	39	26	77	72	5	0	0	0	0

*Superior Court Information

**Outside New York City

SURROGATE'S COURT, located in every county of the state, hears cases involving the affairs of the deceased, including the validity of wills and the administration of estates. These courts are also authorized to handle adoptions. Surrogate's Court judges are elected to 10-year terms in each county outside New York City and to 14-year terms in all New York City counties. See **TABLE 6** for 2012 filings and dispositions by case type.

FAMILY COURT, located in every county of the state, hears matters involving children and families, including adoption, guardianship, foster care approval and review, juvenile delinquency, family violence, child abuse and neglect, custody and visitation, and child support. Family Court judges in New York City are appointed to 10-year terms by the Mayor. Family Court judges serving outside New York City are elected to 10-year terms. See **TABLE 7** for a breakdown of Family Court filings and dispositions. This table also contains filings and dispositions for the state's Integrated Domestic Violence (IDV) Courts.

TABLE 6 **SURROGATE'S COURT FILINGS & DISPOSITIONS: PROCEEDINGS BY CASE TYPE – 2012**

	TOTAL STATE		NYC		OUTSIDE NYC	
Case Type	Filings	Dispositions*	Filings	Dispositions*	Filings	Dispositions*
Total	**136,341**	**106,387**	**35,668**	**32,468**	**100,673**	**73,919**
Probate	40,136	42,226	11,046	11,166	29,090	31,060
Administration	13,352	14,196	6,082	5,767	7,270	8,429
Voluntary Admin.	23,540	23,540	7,186	7,186	16,354	16,354
Accounting	28,280	4,773	3,732	1,637	24,548	3,136
Inter Vivos Trust	1,085	945	158	181	927	764
Miscellaneous	9,094	8,747	2,595	3,275	6,499	5,472
Guardianship	19,249	9,570	4,547	2,956	14,702	6,614
Adoption	1,465	2,245	318	294	1,147	1,951
Estate Tax	140	145	4	6	136	139

*Includes orders and decrees signed.

TRIAL COURTS OF LIMITED JURISDICTION WITHIN NEW YORK CITY

THE CIVIL COURT OF THE CITY OF NEW YORK has jurisdiction over civil cases involving amounts up to $25,000. It includes small claims and commercial claims parts for the informal resolution of matters involving amounts up to $5,000, and a housing part for landlord-tenant proceedings. New York City Civil Court judges are elected to 10-year terms; housing judges are appointed by the Chief Administrator to five-year terms. **TABLE 8** shows the breakdown of filings and dispositions by case type and county.

THE CRIMINAL COURT OF THE CITY OF NEW YORK handles misdemeanors and violations. New York City Criminal Court judges also conduct felony arraignments and other preliminary (pre-indictment) felony

TABLE 7

FAMILY & SUPREME COURT (IDV)[a] FILINGS & DISPOSITIONS[b] BY TYPE OF PETITION – 2012

Type of Petition	TOTAL STATE Filings	TOTAL STATE Dispositions	NYC Filings	NYC Dispositions	OUTSIDE NYC Filings	OUTSIDE NYC Dispositions
Total	**698,372**	**695,812**	**241,432**	**237,484**	**456,940**	**458,328**
Termination of Parental Rights	4,002	3,733	1,615	1,520	2,387	2,213
Surrender of Child	2,169	2,138	698	693	1,471	1445
Child Protective (Neglect & Abuse)	38,020	38,136	9,918	10,531	28,102	27,605
Juvenile Delinquency	14,489	14,538	6,052	6,227	8,437	8,311
Designated Felony	350	266	144	80	206	186
Persons in Need of Supervision	5,278	5,582	952	1,011	4,326	4,571
Adoption	3,457	3,477	1,677	1,705	1,780	1,772
Adoption Certification	268	254	80	70	188	184
Guardianship	5,005	4,770	2,813	2,715	2,192	2,055
Custody/Visitation	201,342	197,121	53,055	50,085	148,287	147,036
Foster Care Review	17	14	0	0	17	14
Foster Care Placement	903	869	492	479	411	390
Family Offense	64,477	64,182	25,208	25,281	39,269	38,901
Paternity	36,706	35,816	20,267	18,890	16,439	16,926
Support	266,261	268,156	84,572	83,370	181,689	184,786
Uniform Interstate Family Support Act	10,083	11,267	5,026	5,989	5,057	5,278
Consent to Marry	4	4	0	0	4	4
Other	389	337	102	77	287	260
Permanency Planning Hearings Held	45,152	45,152	28,761	28,761	16,391	16,391

[a]See Figure 9 for nonfamily case-types in the IDV courts.
[b]Petition type may change between filing and disposition.

TABLE 8

NEW YORK CITY CIVIL COURT: FILINGS & DISPOSITIONS BY CASE TYPE AND COUNTY – 2012

	CIVIL ACTIONS Filings[a]	CIVIL ACTIONS Dispositions[b]	HOUSING Filings[a]	HOUSING Dispositions[b]	SMALL CLAIMS Filings	SMALL CLAIMS Dispositions	COMMERCIAL CLAIMS Filings	COMMERCIAL CLAIMS Dispositions
New York City	**316,306**	**208,781**	**270,249**	**274,228**	**23,530**	**24,333**	**6,112**	**6,210**
New York	56,098	40,130	57,784	43,895	5,798	4,911	1,331	1,704
Bronx	53,967	39,824	88,404	123,120	3,502	4,118	897	804
Kings	91,890	54,874	75,804	65,761	7,261	6,866	1,431	1,311
Queens	96,078	56,928	42,163	36,368	5,468	6,708	1,541	1,457
Richmond	18,273	17,025	6,094	5,084	1,501	1,730	912	934

The large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party.
[a]Includes both answered and unanswered cases.
[b]Includes courtroom dispositions and default judgments.

proceedings. They are appointed by the Mayor to 10-year terms.

During 2012, 73 percent of the arrests were misdemeanors with 46 percent of all cases reaching disposition by plea. Another 39 percent were dismissed; 3 percent were sent to the grand jury; 11 percent were

TABLE 9 NEW YORK CITY CRIMINAL COURT: FILINGS & DISPOSITIONS BY CASE TYPE AND COUNTY – 2012

	ARREST CASES		SUMMONS CASES	
	Filings	Dispositions	Filings*	Dispositions
New York City	**361,358**	**342,788**	**490,011**	**448,956**
New York	104,345	103,994	138,537	129,126
Bronx	73,429	57,570	110,440	104,518
Kings	105,803	104,010	133,181	121,377
Queens	66,556	66,299	92,468	80,643
Richmond	11,225	10,915	15,385	13,292

*Includes both answered and unanswered cases.

disposed of by other means; and 1 percent pled to a superior court information. **TABLE 9** shows filings and dispositions by county for both arrest cases and summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant).

TRIAL COURTS OF LIMITED JURISDICTION OUTSIDE NEW YORK CITY

CITY COURTS ARRAIGN FELONIES AND HANDLE MISDEMEANORS AND LESSER OFFENSES as well as civil lawsuits involving claims up to $15,000. Some City Courts have small claims parts for the informal disposition of matters involving claims up to $5,000 and/or housing parts to handle landlord-tenant matters and housing violations. City Court judges are either elected or appointed, depending on the city, with full-time City Court judges serving 10-year terms and part-time City Court judges serving six-year terms. **DISTRICT COURTS**, located in Nassau County and the five western towns of Suffolk County, arraign felonies and handle misdemeanors and lesser offenses as well as civil lawsuits involving claims up to $15,000. District Court judges are elected to six-year terms.

In 2012 there were a total of **1,086,066** filings and **1,046,958** dispositions in the City and District Courts. **FIGURE C** shows filings by case type; **TABLE 10** contains a breakdown of filings by location and case type.

FIGURE C CITY & DISTRICT COURT FILINGS BY CASE TYPE – 2012

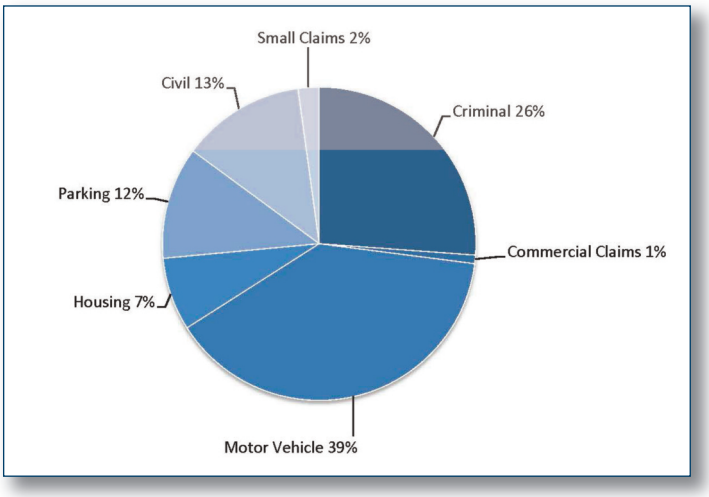


TABLE 10 CITY AND DISTRICT COURTS: FILINGS BY CASE TYPE – 2012

Total Filings 1,086,066

Location	Criminal	MV	Parking	Civil	Small Claims	*L&T	Commercial
TOTAL	**284,136**	**422,883**	**125,778**	**138,380**	**23,582**	**81,817**	**9,490**
Albany	8,481	22,836	0	2,663	680	4,768	169
Amsterdam	874	1,969	0	464	113	204	26
Auburn	1,828	2,928	694	532	228	806	82
Batavia	932	1,350	149	239	125	179	60
Beacon	883	5,626	0	306	74	183	34
Binghamton	4,196	6,741	104	1,789	445	1,680	195
Buffalo	20,755	5,109	0	8,703	2,159	8,949	854
Canandaigua	954	2,423	61	478	155	121	57
Cohoes	1,232	3,068	63	302	82	407	7
Corning	603	2,015	43	452	79	57	24
Cortland	2,448	3,080	751	482	106	274	42
Dunkirk	862	969	328	294	87	39	34
Elmira	2,725	2,642	2,312	709	209	732	63
Fulton	1,267	2,111	59	411	97	198	9
Geneva	821	2,527	0	204	51	200	4
Glen Cove	727	3,824	3,498	11	56	240	44
Glens Falls	1,272	2,751	279	540	105	177	62
Gloversvillle	1,241	993	32	377	169	351	20
Hornell	665	1,291	0	138	65	153	16
Hudson	794	1,413	0	224	110	138	124
Ithaca	2,117	5,539	3,649	309	141	3,073	43
Jamestown	3,023	2,344	779	628	277	315	152
Johnstown	477	565	5	216	58	76	12
Kingston	2,131	7,191	98	775	232	917	125
Lackawanna	1,877	7,782	28	151	196	1,672	95
Little Falls	301	326	0	180	170	40	37
Lockport	1,455	4,927	35	800	295	255	87
Long Beach	3,510	4,942	16,858	331	83	193	12
Mechanicville	374	799	0	168	43	86	79
Middletown	3,559	7,819	487	1,195	199	931	187
Mount Vernon	5,377	9,500	0	526	300	2,994	111
New Rochelle	2,898	10,948	65,234	1,495	311	1,492	158
Newburgh	2,209	5,884	963	913	151	1,239	47
Niagara Falls	4,665	9,737	825	892	223	1,155	42
North Tonawanda	1,213	2,548	0	517	126	182	74
Norwich	637	479	37	329	96	69	47
Ogdensburg	944	801	0	558	111	39	82
Olean	1,096	2,589	99	215	71	156	36
Oneida	965	1,870	116	1,027	82	92	38
Oneonta	1,150	1,509	432	242	169	48	60
Oswego	1,712	2,536	0	757	188	129	42
Peekskill	1,988	5,170	0	274	180	395	90
Plattsburgh	1,259	2,740	0	397	166	201	90
Port Jervis	1,400	2,737	106	206	52	151	10
Poughkeepsie	3,046	7,796	3,056	1,285	433	1,586	130
Rensselaer	453	1,547	62	472	51	169	48
Rochester	18,063	8,899	0	5,777	2,073	7,461	435
Rome	2,261	9,651	4	1,006	186	300	12
Rye	333	3,490	0	91	66	28	91
Salamanca	845	1,218	15	97	70	88	8
Saratoga Springs	2,005	5,230	613	499	209	107	150
Schenectady	5,508	8,460	1	1,798	422	2,689	114
Sherrill	51	127	0	226	19	2	18
Syracuse	16,610	32,728	0	6,949	953	5,633	174
Tonawanda	1,023	5,430	297	342	151	81	156
Troy	3,192	9,834	0	1,042	224	2,401	36
Utica	5,986	11,281	0	1,323	241	949	90
Watertown	2,452	5,773	0	708	235	579	57
Watervliet	737	3,359	0	242	37	445	8
White Plains	2,954	15,940	6,033	564	296	850	157
Yonkers	12,809	26,444	0	768	535	6,228	111
Nassau District	32,246	27,340	131	41,786	3,891	6,902	1,910
Suffolk District	73,665	61,388	17,442	40,986	4,375	9,563	2,103

* Landlord-Tenant

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

ADMINISTRATIVE STRUCTURE

THE NEW YORK STATE UNIFIED COURT SYSTEM is administered by the Office of Court Administration (OCA) under the authority of the Chief Judge. OCA provides financial management, automation, public safety, personnel management and other essential services to support day-to-day court operations.

The Office of Court Administration comprises six divisions: the **DIVISION OF ADMINISTRATIVE SERVICES** purchases goods and services, procures contracts, processes revenues and manages accounts; the **DIVISION OF TRIAL AND SUPPORT SERVICES** provides support and guidance to trial court operations including alternative dispute resolution and court improvement programs, court interpreting services, legal information, parent education programs, records management and operational issues related to the American Disabilities Act; the **DIVISION OF FINANCIAL MANAGEMENT** prepares the judiciary budget and formulates and implements fiscal policies; the **DIVISION OF GRANTS AND PROGRAM DEVELOPMENT** assists court administrators in identifying grant opportunities relating to the operational needs of the courts, also coordinating the submission of grant proposals; the **DIVISION OF HUMAN RESOURCES** is responsible for personnel administration and the delivery of professional development programs for non-judicial employees, also overseeing negotiations with the court system's labor unions and managing the courts' workforce diversity program; the Division of Technology provides automation and telecommunications services to all courts and agencies, including oversight of the statewide Domestic Violence Registry and the courts' technical support center.

In addition, the **DEPARTMENT OF PUBLIC SAFETY** is responsible for developing and implementing uniform policies and procedures to ensure the safety and accessibility of our state courthouses; **COUNSEL'S OFFICE** prepares and analyzes legislation and represents the UCS in litigation; the **INSPECTOR GENERAL'S OFFICE** is responsible for the investigation and elimination of infractions of discipline standards, conflicts of interest and criminal activities on the part of non-judicial employees and individuals or corporations doing business with the courts; the **OFFICE OF COURT FACILITIES MANAGEMENT** provides oversight to localities in relation to the maintenance, renovation and construction of court facilities; the **OFFICE OF COURT RESEARCH** provides caseload activity statistics, jury system support and operations research to all UCS courts; the **OFFICE OF INTERNAL AFFAIRS** conducts internal audits and investigations to support the attainment of long-term UCS goals; the **OFFICE OF JUSTICE COURT SUPPORT** provides oversight to local town and village Justice Courts; the **COMMUNICATIONS OFFICE** serves as the courts' liaison to the media, responding to press inquiries, issuing news advisories and releases; the **OFFICE OF PUBLIC AFFAIRS** coordinates communications and public education programs with other governmental entities, the public and the bar.

FISCAL OVERVIEW

UNIFIED COURT SYSTEM 2012–2013 BUDGET

THE UNIFIED COURT SYSTEM IS BASED UPON A FISCAL YEAR that runs from April 1 through March 31. The budget is presented by the Chief Administrator (Chief Administrative Judge) to the Court of Appeals for approval and certification by the Chief Judge, then transmitted to the Governor for submission to the Legislature in accordance with Article VII, Section 1, of the State Constitution.

Appropriations of $2.3 billion were approved by the Legislature for the State Judiciary for the 2012-2013 fiscal year.

REVENUES COLLECTED FOR THE YEAR 2012

IN 2012, THE UNIFIED COURT SYSTEM COLLECTED FINES AND FEES totaling $532,992,630. A portion of this revenue includes fees for services provided by the courts' Criminal History Search Unit, which since 2003 has sold statewide criminal history public records that include felony and misdemeanor convictions from all 62 counties. By law, the Office of Court Administration is solely responsible for the sale of such records produced by a search of its electronic database, charging a $65 fee per name and date of birth searched. The revenue generated from each search request is allocated as follows: $16 to the Office of Court Administration's Judiciary Data Processing Offset Fund; $35 to the Indigent Legal Services Fund; $9 to the Legal Services Fund; and $5 to the General Fund. In 2012, the Criminal History Search Unit received $87,406,215 for criminal history record searches.

Under Section 486-a of the Judiciary Law and the Rules of the Chief Administrative Judge (22 NYCRR Part 118), every attorney admitted to practice in New York must file a biennial registration form. Attorneys actively practicing law in New York State or elsewhere must, upon registering, pay a $375 fee, allocated as follows: $60 to the Lawyers' Fund for Client Protection to support programs providing restitution to clients of dishonest attorneys; $50 to the Indigent Legal Services Fund to cover fees of lawyers serving on 18-b panels representing indigent defendants; $25 to the Legal Services Assistance Funds; and the balance to the Attorney Licensing Fund to cover the cost of the Appellate Division attorney admission and disciplinary programs. In 2012, the court system collected $48,655,699 in attorney registration fees.

LEGISLATIVE UPDATE

THE OFFICE OF COUNSEL IS THE PRINCIPAL REPRESENTATIVE of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Counsel's Office staffs the Chief Administrative Judge's advisory committees on civil practice, criminal law and procedure, family law, estates and trusts, and the local courts. Annually, these committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrative Judge. When approved by the latter, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals during the legislative session. Recommendations are submitted to the Chief Administrative Judge, who, through Counsel, relays them to the Legislature and the Executive sometimes by informal means and sometimes more formally by legislative memoranda or letters to Governor's Counsel.

Counsel's Office also is responsible for drafting legislative measures to implement recommendations made by the Chief Judge in the State of the Judiciary message, as well as measures required by the Unified Court System, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive.

In discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, professional staff of legislative committees and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and of providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 2012 legislative session, Counsel's Office, with the assistance of the Chief Administrative Judge's advisory committees, prepared and submitted 46 measures for legislative consideration and provided analyses and recommendations on 27 measures awaiting executive action. Following are measures enacted into law in 2012, measures newly introduced in 2012, Rules of the Chief Judge added or amended in 2012, and Rules of the Chief Administrative Judge added or amended in 2012.

MEASURES ENACTED INTO LAW IN 2012

CHAPTER 44 (Senate 6659/Assembly 9480).
Repeals the Judiciary Law in regard to the requirement of an undertaking by a surrogate or county judge. Eff. 5/31/12.

CHAPTER 51 (Senate 6251-B/Assembly 9051-A).
Enacts the 2012-13 Judiciary Budget. Eff. 4/1/12.

CHAPTER 178 (Senate 6653-A/Assembly 9508-A).
Amends Surrogate's Court Procedure Act in relation to the settlement of small estates by Public Administrators. Eff. 7/18/12.

CHAPTER 184 (Senate 7592-A/Assembly 10706).
Authorizes pilot programs permitting use of electronic means for commencing actions in certain criminal and Family Court proceedings. Eff 7/18/12.

CHAPTER 468 (Senate 7579/Assembly 10345).
Amends the Family Court Act in relation to the authority of support magistrates in Family Court to adjudicate child support license suspension proceedings. Eff. 1/1/13.

CHAPTER 470 (Senate 7589-A/Assembly 10415-A).
Amends the Family Court Act in relation to probation in child support, delinquency, persons in need of supervision and family offense proceedings. Eff. 10/3/12.

CHAPTER 475 (Senate 7587-B/Assembly 10608-A).
Amends the Correction Law and Mental Hygiene Law in relation to the appointment of guardians. Eff. 4/1/13.

MEASURES NEWLY INTRODUCED IN THE 2012 LEGISLATIVE SESSION AND NOT ENACTED INTO LAW

SENATE 7584/ASSEMBLY 9624.

This measure would amend the Family Court Act and the Social Services Law and also repeal the Family Court Act in relation to orders for child support obligors to seek employment or participate in job training, employment counseling or other programs.

SENATE 6656-A/ASSEMBLY 9479.

This measure would amend the CPLR to authorize a non-party deponent's counsel to participate and make objections on behalf of his or her client in an examination before trial in the same manner as counsel for a party.

SENATE 6658-A/ASSEMBLY 10376.

This measure would amend section 4106 of the CPLR to grant the court discretionary to retain alternate jurors after final submission of the case.

SENATE 6650.

This measure would amend section 7503 of the CPLR in relation to the notice of intention to arbitrate.

SENATE 6651.

This measure would amend section 3101 of the CPLR in relation to the scope of disclosure by a non-party; require full disclosure in a civil action of all matter material and necessary by any person and provide that a subpoena on a non-party shall state the nature of the action; and also allow a party in a civil action, without

court order, to take testimony of a person authorized to practice medicine who has provided care to that party or has been retained by that party as an expert witness.

SENATE 6648.

This measure would amend section 5501 of the CPLR to add a new subdivision (e) in relation to the scope of review of non-final judgment and orders, and also permit appellate review of a non-final judgment or order that does not "necessarily affect" a final judgment.

SENATE 6649/ASSEMBLY 9481.

This measure would amend section 951 of the Tax Law to reduce the expense and clarify the procedure to obtain a marital deduction for a disposition to a non-citizen surviving spouse where no Federal estate tax return is required.

SENATE 7463-A/ASSEMBLY 9478-A.

This measure would amend section 3-3.3 of the Estates, Powers and Trusts Law to provide that the disposition of a future estate not subject to a condition precedent vests per stirpes.

SENATE 7572.

This measure would amend CPLR 2106 to permit the use of an affirmation in place of an affidavit for all purposes in a civil action.

SENATE 6660.

This measure would amend the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act to authorize a limited liability company to commence a commercial claim action.

SENATE 6662.

This measure would amend section 1801-A of the Uniform District Court Act to clarify the territory where a defendant can be found in order for a District Court to have subject matter jurisdiction over a commercial claim against that defendant.

SENATE 6673.

This measure would amend section 60.20 of the Penal Law to authorize the imposition of a fine and conditional discharge upon conviction for the offense of driving while ability impaired.

SENATE 6661.

This measure would amend CPLR 3016 to require that a complaint in an action arising out of a consumer credit transaction plead the last four digits of the account number of the credit card used to incur the consumer debt at issue in the action.

SENATE 6655-A.

This measure would amend the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act to authorize the court to consider equitable claims and defenses in small claims actions.

SENATE 6672.

This measure would amend section 350.20 of the Criminal Procedure Law to authorize a judicial hearing officer to accept a guilty plea when authorized to hold a trial of a B misdemeanor.

SENATE 6654/ASSEMBLY 9784.

This measure would amend section 203 of the New York Civil Court Act, Uniform District Court Act and Uniform City Court Act to authorize an exception to the monetary jurisdiction of each court to permit it to issue a judgment for the full cost associated with executing an order to cure a violation of state or local housing maintenance, building or health laws and codes.

SENATE 6677.

This measure would amend section 170.55 of the Criminal Procedure Law to provide courts with greater flexibility to set appropriate conditions when granting an adjournment in contemplation of dismissal.

SENATE 6680.

This measure would amend section 60.01 of the Penal Law to authorize courts to re-impose a requirement of an ignition interlock device as a condition of probation or conditional discharge following revocation of a sentence of probation or conditional discharged imposed under the Child Passenger Protection Act (Leandra's Law).

SENATE 6676.

This measure would amend the Criminal Procedure Law to authorize a court to unseal records of an order of protection where necessary to prosecute a defendant for violating that order of protection.

SENATE 7590.

This measure would amend section 600 of the Vehicle and Traffic Law to substitute the term "bodily injury" for physical injury" in the crime of leaving the scene of an incident without reporting after injury was caused to another person.

SENATE 6681.

This measure would amend section 165.70 of the Penal Law to add technical precision to the definition of "counterfeit trademark."

SENATE 6679.

This measure would amend section 310.10 of the Criminal Procedure Law to allow a trial court to suspend jury deliberations for up to seventy-two hours "upon good cause shown."

SENATE 6652.

This measure would amend section 1 of article 6 of the Constitution in relation to processes, warrants and other mandates of city courts outside the city of York.

SENATE 7573.

This measure would amend the publication statute in CPLR 316(a), which requires service of a summons by publication in the form of publication most likely to give notice to the defendant.

SENATE 7394/ASSEMBLY 10257.

This measure would amend the Criminal Procedure Law, Executive Law, Judiciary Law and Penal Law to seek better outcomes in the justice system for youth aged 16 or 17 who are accused of non-violent crimes.

SENATE 7395.

This measure would amend provisions of the Penal Law and the Criminal Procedure Law to simplify the State's increasingly complex sentencing laws and to rectify anomalies in those laws.

SENATE 7580.

This measure would amend the Family Court Act to provide that the court conduct a search for non-respondent alleged parents during a child protective and permanency proceeding.

SENATE 7582/ASSEMBLY 10051.

This measure would amend the Family Court Act and the Social Services Law in relation to severely or repeatedly abused children in child protective and parental termination proceedings.

SENATE 7574.

This measure would amend the Domestic Relations Law and the Family Court Act to correct a long-standing anomaly in the interpretation of New York's child support statutes with respect to non-custodial parents whose child support obligations would reduce their income to a level below the self-support reserve.

SENATE 7591.

This measure would amend the Family Court Act in relation to permanency planning in juvenile delinquency and persons in need of supervision proceedings.

SENATE 7571.

This measure would amend the CPLR in relation to requiring certificates of merit in certain residential foreclosure actions.

SENATE 7570/ASSEMBLY 10344.

This measure would amend the CPLR in relation to waiver of privileged confidential information.

SENATE 7586/ASSEMBLY 10639.

This measure would amend the Family Court Act in relation to warrants and orders of protection in persons in need of supervision cases in Family Court.

SENATE 7585.

This measure would amend the Domestic Relations Law, the Family Court Act and the Social Services Law in relation to agreements between parents executing a judicial surrender prescribing contact between the child and his or her biological siblings.

SENATE 7581/ASSEMBLY 10520.

This measure would amend the Family Court Act in relation to actions in contemplation of dismissal in juvenile delinquency and persons in need of supervision cases.

SENATE 7630.

This measure would amend the Estates, Powers and Trusts Law in relation to the exercise of a power of appointment and an authorized trustee's authority to invade trust principal.

SENATE 7755/ASSEMBLY 10727.
This measure would amend sections 2(e) and 25(b) of Article VI of the State Constitution to increase the mandatory retirement age for Judges of the Court of Appeals, permit retired Justices of the Supreme Court to continue in judicial service for two-year periods as certificated Justices until age 80 and authorize certification of retired judges of the other major trial courts to continue in judicial service for two-year periods until they reach age 76.

RULES OF THE CHIEF JUDGE ADDED OR AMENDED IN 2012

PART 47 of the **RULES OF THE CHIEF JUDGE**, was amended, relating to the operation of Superior Court and Local Court Mental Health Parts.

PART 49 of the **RULES OF THE CHIEF JUDGE** was added, relating to the operation of Superior Court Adolescent Diversion Parts.

RULES OF THE CHIEF ADMINISTRATIVE JUDGE ADDED OR AMENDED IN 2012

SECTIONS 118.2(B)(2) and **118.4(B)(2)** of the **RULES OF THE CHIEF ADMINISTRATOR** were amended, relating to public access to attorney and in-house counsel registration data.

SECTION 123.1 of the **RULES OF THE CHIEF ADMINISTRATOR** was amended, relating to material submitted to Supreme Court Law Libraries pursuant to paragraph c of subdivision 4 of section 102 of the Executive Law.

SECTIONS 5 and **6** of **APPENDIX A** (Standards and Guidelines) **OF PART 137** of the **RULES OF THE CHIEF ADMINISTRATOR** were amended, relating to the Fee Dispute Resolution Program.

PART 149 of the **RULES OF THE CHIEF ADMINISTRATOR** was amended, relating to the operation of Superior Court Adolescent Diversion Parts.

SECTION 150.5 of the **RULES OF THE CHIEF ADMINISTRATOR**, and **SECTIONS 3, 6** and **7** of **APPENDIX A TO PART 150** of the **RULES OF THE CHIEF ADMINISTRATOR** were amended, relating to the Independent Judicial Election Qualification Commissions.

PART 152 of the **RULES OF THE CHIEF ADMINISTRATOR** was added, relating to the operation of Superior Court and Local Court Mental Health Parts.

SECTION 202.5-B(B)(2), (D), (E), (F), and **(H)** of the **UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** were amended, relating to electronic filing of actions in the Supreme Court.

SECTIONS 202.5-BB(A), (B), and **(E)** of the **UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** were amended, relating to electronic filing of actions in the Supreme Court.

SECTION 202.6(B) of the **UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** was amended, relating to the filing of requests for judicial intervention.

SECTION 202.12-A(B)(3) of the **UNIFORM CIVIL RULES OF THE SUPREME AND COUNTY COURTS** was amended, relating to special calendars for certain residential foreclosure actions.

SECTION 202.12-A(C)(5) of the **UNIFORM CIVIL RULES OF THE SUPREME AND COUNTY COURTS** was amended, relating to documents to be brought by parties to a settlement conference in residential mortgage foreclosure actions.

SECTION 202.16A of the **UNIFORM CIVIL RULES FOR THE SUPREME AND COUNTY COURTS** was amended, relating to automatic orders in matrimonial actions.

SECTIONS 206.5(C), 206.5(D), and **206.7(B)** of the **UNIFORM RULES FOR THE COURT OF CLAIMS** were amended, and **SECTION 206.5(E)** was added.

SECTION 207.4-A of the **UNIFORM CIVIL RULES FOR THE SURROGATE'S COURT** was amended, relating to consensual electronic filing of actions in the Surrogate's Court.

SECTION 207.4-AA of the **UNIFORM CIVIL RULES FOR THE SURROGATE'S COURT** was added, relating to mandatory electronic filing of actions in the Surrogate's Court.

SECTION 207.26 of the **UNIFORM CIVIL RULES FOR SURROGATE'S COURT** was amended, relating to the procedure for filing notice of objections in contested probate proceedings.

SECTION 207.37(C)(L) of the **UNIFORM CIVIL RULES OF THE SURROGATE'S COURT** was amended, relating to the submission of orders, judgments and decrees for signature.

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