

# **THE JUDICIARY**

## **INTRODUCTION**

### **THE UNIFIED COURT SYSTEM**

The Judiciary is one of the three branches of New York State Government. Article VI of the State Constitution establishes a Unified Court System, defines the organization and jurisdiction of the courts and provides for the administrative supervision of the courts by a Chief Administrator on behalf of the Chief Judge of the State of New York.

The objectives of the Judiciary are to: (1) provide a forum for the peaceful, fair and prompt resolution of civil claims and family disputes, criminal charges and charges of juvenile delinquency, disputes between citizens and their government, and challenges to government actions; (2) supervise the administration of estates of decedents, consider adoption petitions, and preside over matters involving the dissolution of marriages; (3) provide legal protection for children, mentally ill persons and others entitled by law to the special protection of the courts; and (4) regulate the admission of lawyers to the Bar and their conduct and discipline.

The New York State court system is one of the largest and busiest in the Western World. It consists of over 1,200 state-paid judges, 2,400 town and village justices and over 15,000 nonjudicial positions. Pursuant to the Unified Court Budget Act, the cost of operating the Unified Court System, excluding town and village courts, is borne by the State.

### **STRUCTURE AND JURISDICTION OF THE COURTS**

The Unified Court System is structured as follows:

#### **APPELLATE COURTS**

Court of Appeals  
Appellate Divisions of the Supreme Court  
Appellate Terms of the Supreme Court  
County Courts (acting as appellate courts)

#### **TRIAL COURTS OF SUPERIOR JURISDICTION**

Statewide:  
Supreme Court  
Court of Claims  
Family Court  
Surrogate's Court  
Outside New York City:  
County Court

#### **TRIAL COURTS OF LIMITED JURISDICTION**

New York City:  
Criminal Court  
Civil Court  
Outside New York City:  
City Courts  
District Courts  
Town Courts\*  
Village Courts\*

\*Locally funded courts

## **JUDICIARY**

---

The jurisdiction of each court is established by Article VI of the Constitution or by statute. The courts of original jurisdiction, or trial courts, hear cases in the first instance, and the appellate courts hear and determine appeals from the decisions of the trial courts.

The Court of Appeals, the State's highest court, hears cases on appeal from the other appellate courts and, in some instances, from the courts of original jurisdiction. In most cases, its review is limited to questions of law. The Court also reviews determinations of the Commission on Judicial Conduct.

There are four Appellate Divisions of the Supreme Court, one in each of the State's four judicial departments. The Appellate Divisions hear appeals concerning civil and criminal cases. In the First and Second Departments, Appellate Terms have been established to hear appeals in criminal and civil cases determined in the Criminal and Civil Courts of the City of New York and civil and criminal cases determined in district, city, town, and village courts outside the City. In the Third and Fourth Departments, appeals from city, town and village courts are heard initially in the appropriate County Court.

The Supreme Court, which functions in each of the State's 12 judicial districts, is a trial court of unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts. It exercises its civil jurisdiction statewide; in the City of New York and some other parts of the State, it also exercises jurisdiction over felony charges.

The Court of Claims is a statewide court having jurisdiction over claims for money damages against the State. Certain Judges of the Court of Claims; i.e., Judges appointed pursuant to paragraphs (b), (d), and (e) of subdivision 2 of section 2 of the Court of Claims Act, are assigned temporarily to the Supreme Court, primarily as trial justices in the criminal terms.

There are three county-level superior courts. The County Court is established in each county outside the City of New York. It is authorized to handle the prosecution of crimes committed within the county, although in practice, arraignments and other preliminary proceedings on felonies, misdemeanors and minor offenses are handled by courts of limited jurisdiction while the County Court presides over felony trials and supervises the Grand Jury. The County Court also has limited jurisdiction in civil cases, with authority to entertain those involving amounts up to \$25,000.

The Family Court is established in each county and in the City of New York. It has jurisdiction over matters involving children and families. Its caseload consists largely of proceedings involving support of dependent relatives, juvenile delinquency, child protection, persons in need of supervision, review and approval of foster-care placements, paternity determinations, and family offenses.

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates. Family Court and Surrogate's Court have concurrent jurisdiction in adoption proceedings.

The Civil Court of the City of New York tries civil cases involving amounts up to \$25,000 and other civil matters referred to it by the Supreme Court (pursuant to section 325 of the CPLR). It includes a Housing Part for landlord-tenant matters and housing code violations. The Criminal Court of the City of New York has jurisdiction over misdemeanors and violations. Judges of the Criminal Court also act as arraigning magistrates and conduct preliminary hearings in felony cases.

There are four kinds of courts of limited jurisdiction outside the City of New York: District (established in Nassau County and in the five western towns of Suffolk County), City, Town and Village Courts. All have jurisdiction over minor criminal matters. They also have jurisdiction over minor civil matters, including small claims and summary proceedings, although their monetary ceilings vary: \$15,000 in District and City Courts, and \$3,000 in Town and Village Courts.

The civil courts of limited jurisdiction in 31 counties are making use of compulsory arbitration with lawyer arbitrators to resolve minor civil disputes, that is, civil actions where the amount sought is \$6,000 or less in courts outside the City of New York and \$10,000 or less in courts in the City.

**ADMINISTRATIVE STRUCTURE OF THE UNIFIED COURT SYSTEM**

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge, as chair, and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide standards and administrative policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Administrative Judge, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrative Judge is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the State, respectively; Deputy Chief Administrative Judge for Justice Initiatives, a Deputy Chief Administrative Judge for Management Support, who supervises the operations of the units that compose the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support consists of eight operational divisions, with overall policy guidance and management directed by the Chief Administrative Judge, assisted by the Deputy Chief Administrative Judge for Management Support. The Division of Human Resources is responsible for conducting educational programs for judges and nonjudicial personnel; the administration of the Unified Court System's workforce diversity programs; labor management relations; payroll processing; career development services; employee benefits administration; and a broad range of personnel services dealing with job classification, compensation and examination issues. The Division of Financial Management coordinates the preparation and implementation of the Judiciary budget and is also responsible for promulgation of fiscal policies and procedures; revenue and expenditure monitoring, control and reporting; and the coordination of the fiscal aspects of the Court Facilities Aid Program. The Division of Technology is responsible for the development, implementation and oversight of all central and local automation and telecommunication services which support court operations and administrative functions. The Division of Legal Information and Records Management is responsible for overseeing all of the Judiciary's automated and printed media legal reference services and for coordination of records retention and management programs. The Division of Court Operations provides centralized support for day-to-day court operations through its oversight of streamlining initiatives, procedural manual development and training programs, as well as for court security, and alternative dispute resolution programs.

The services provided by these operational divisions are further supplemented by a Public Affairs Office which coordinates communications with other governmental entities, the press, public and bar. The Office of Court Research compiles UCS workload statistics for the courts, management and the public and conducts operational improvement studies. The Administrative Services Office provides a broad range of general support services to the courts including, but not limited to, central accounting and revenue management; attorney registration administration, centralized procurement, supply and printing. Finally,

# JUDICIARY

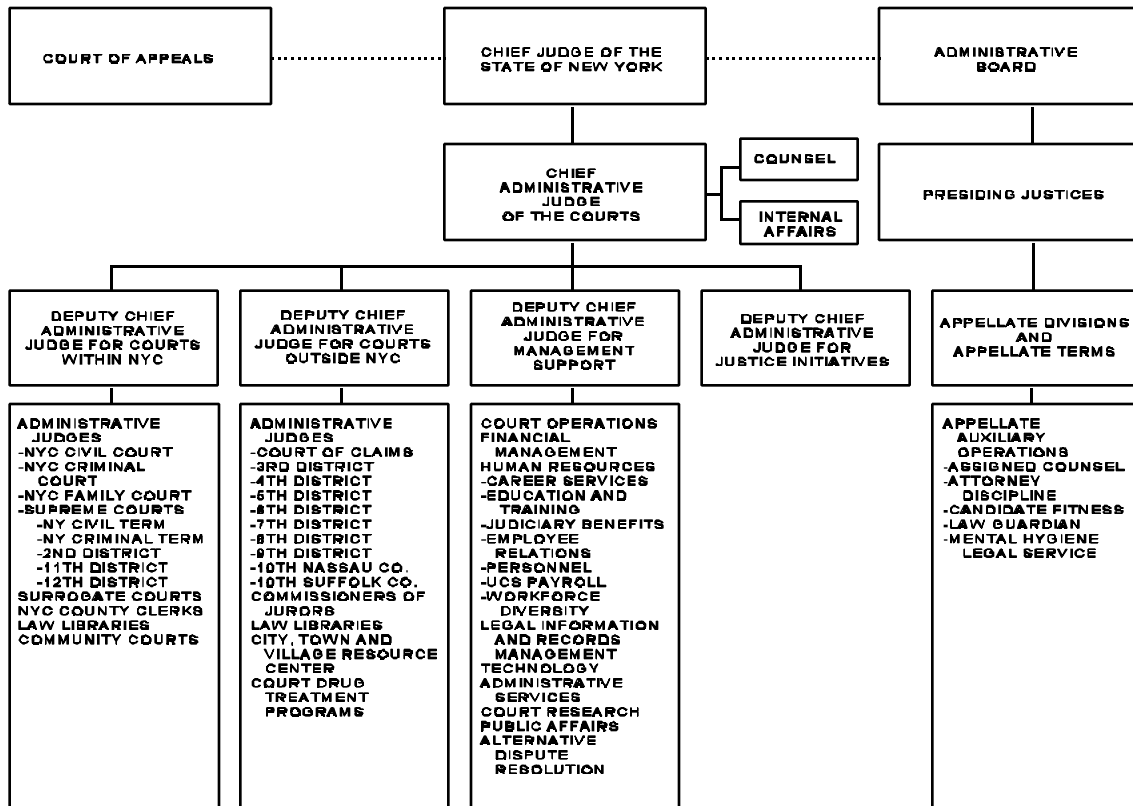
an Office of Internal Affairs, reporting directly to the Chief Administrative Judge, conducts internal audits and investigations to support the attainment of management's long term goals and priorities.

Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrative Judge.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. Upstate, in each of the eight judicial districts established outside the City of New York, there is a District Administrative Judge who is responsible for all courts and agencies operating within the judicial district. In the City of New York, Administrative Judges supervise each of the major trial courts, and the Deputy Chief Administrative Judge provides for management of the complex of courts and court agencies within the City. The Administrative Judges manage not only court caseload, but are responsible as well for general administrative functions including personnel and budget administration and all fiscal procedures.

The Appellate Divisions are responsible for the administration and management of their respective courts, and of the several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and Mental Hygiene Legal Service.

## UNIFIED COURT SYSTEM ADMINISTRATIVE STRUCTURE



## **EXECUTIVE SUMMARY**

### **INTRODUCTION**

The New York State Judiciary is an independent branch of government, established pursuant to Article VI of the State Constitution.

The mission of the Unified Court System is to promote the rule of law and to provide just and timely resolution of matters before the courts. The New York State Judiciary carries out its mission through 11 different trial courts, as well as through its intermediate appellate courts and its highest court, the Court of Appeals. The Judiciary provides a forum for the fair and prompt resolution of civil claims, family disputes, criminal charges and charges of juvenile delinquency, disputes between citizens and their government, and challenges to government actions; supervises the administration of estates; considers adoption petitions and presides over matters involving the dissolution of marriages; provides legal protection for children, mentally ill persons, and others entitled by law to the special protection of the courts; and regulates the admission of lawyers to the Bar and their conduct.

Since 1977, the costs of operating the courts (excluding town and village courts) have been borne by the State pursuant to the Unified Court Budget Act. Accordingly, funding for the operating costs for all New York State county-level, District and City Courts and related court agencies is a State responsibility. The costs of providing facilities for these trial courts have remained a local government obligation. The State does, however, provide aid to subsidize the cost of borrowing money for court construction and improvements. The State also reimburses local governments for a portion of facilities maintenance and operation costs. In 1996, legislation was enacted to gradually raise this reimbursement level to 100 percent of expenses for cleaning and minor repairs to ensure compliance with maintenance and operation standards.

The Judiciary's budget submission is formulated through an open and decentralized process that includes input from trial court judges, judicial and nonjudicial administrators, court personnel, bar leaders, and interested citizens. This budget reflects a rigorous review and analysis, culminating with a recommended budget amount that is fiscally prudent, yet providing the necessary resources to continue the programs that enhance efficient and effective case disposition and foster public trust and confidence in the courts.

### **THE 2001-02 JUDICIARY BUDGET REQUEST**

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2001-02 is \$1.28 billion. This amount will support a cash disbursement spending plan that exceeds the current year plan by 2.5 percent, less than the projected rate of inflation. The All Funds Court and Agency portion of the request, including the General Fund as well as Special Revenue Funds, is \$1.33 billion, which will support a cash disbursement increase of 2.7 percent, also less than the projected rate of inflation.

As in the past, the vast majority of the 2001-02 Judiciary General Fund Court and Agency Operations budget request is dedicated to the funding necessary to continue current court operations. This base budget includes funding for currently authorized judicial and nonjudicial positions, including general nonjudicial salary increases and other legislatively authorized collective bargaining enhancements. Adjustments are also reflected for certificated justices and staff net changes; annualization of new initiatives partially funded in the current year; overtime and temporary service; jury per diem payments; legal reference materials; contractual security increases for ongoing locally provided security, judicial hearing officer and other per diem payments; Certificates of Participation (COPS)

## **JUDICIARY**

---

finance payments for prior year automation, furnishings, and equipment replacement programs; and other items necessary for the daily operations of the courts and court-related agencies in the New York State Unified Court System.

### **JUDICIARY PRIORITY INITIATIVES**

With this budget request, the New York State Judiciary continues its commitment to reforming court processes to deliver effective justice. Thus, funding is included to allow the courts to address the ongoing societal issues that bring families and defendants back to court repeatedly — issues such as substance abuse, domestic abuse, and the temporary placement of children in foster care — and to continue to provide tailored case processing to meet the needs of each case type.

The Judiciary's budget requests focus on innovation and problem solving, not simply processing cases. Problem-solving initiatives recognize that courts are in a unique position to use their authority to improve case outcomes for victims, defendants, litigants and communities. Problem-solving court programs feature intensive judicial supervision and the integration of treatment and other services into case resolution as a means of addressing the underlying social issues that return criminal defendants and families to court.

Included in this budget request are funds for targeted programs to address specific underlying social issues that contribute to crime and family distress. Among these are the Court Drug Treatment Programs, a comprehensive approach to provide court-mandated substance abuse treatment State-wide to non-violent offenders. Other problem-solving initiatives include programs addressing family justice, domestic violence, and community justice.

The courts' civil caseload, including matrimonial and commercial matters as well as personal injury cases, also is the focus of a targeted approach, with specialized parts, increased use of technology and specific case management initiatives used to resolve cases efficiently and appropriately.

### ***Court Drug Treatment Programs***

Chief Judge Kaye and Chief Administrative Judge Lippman recently announced a comprehensive initiative to address the dramatic increase in the number of narcotics cases confronting New York's courts. In October 2000, Judge Joseph J. Traficanti, Jr., Deputy Chief Administrative Judge for Courts Outside of New York City, was named as the court system's first Statewide Director of Court Drug Treatment Programs.

The Programs' key features reflect recommendations made to Chief Judge Kaye by The Commission on Drugs and the Courts. The Commission studied the impact of drug cases on the courts, issuing a report in June 2000. In the report, the Commission called for a targeted, rigorous, and comprehensive substance abuse initiative to be used throughout the courts, including drug screening for criminal cases, court-mandated treatment for non-violent defendants and parents charged in Family Court child neglect cases, and the creation of specialized courts to target persistent misdemeanor offenders. As adopted by the Chief Judge and Chief Administrative Judge, this treatment-based approach will be integrated into all of the courts throughout the State over a three-year implementation period.

This budget request provides funding in the amount of \$13.1 million to support the ongoing and expanded services to establish the Drug Treatment Programs. Funds requested also support continuation and expansion of the 39 existing criminal and family treatment courts that will be in operation by the end of the current fiscal year. In a criminal drug treatment court, non-violent, drug-addicted offenders are required to complete intensive drug treatment under the rigorous supervision of the courts as an alternative to jail. Family Courts also have successfully adopted the treatment court model for cases

involving neglect in which addiction is the underlying problem. Family Treatment Courts provide screening and assessment of parents with substance abuse problems, access to appropriate treatment and services and a system of sanctions to motivate compliance with court mandates. The budget seeks funds for new criminal and family treatment court programs and for new Criminal Court parts to provide enhanced screening and assessment of non-violent felony offenders and a program to address substance abuse problems of misdemeanants with a history of repeated arrests.

With the adoption of these groundbreaking programs for the assessment, screening and treatment of non-violent offenders and family treatment services throughout the State, New York will be the first State in the nation to take a system-wide approach to addressing the critical problem of drug abuse and its impact on the courts.

### ***Family Justice Program***

In the forefront of the court system's problem-solving programs are family justice initiatives intended to improve the delivery of services by focusing on specialized treatment and improved access to the courts. A total of \$9.2 million is included in the Judiciary's budget request for this purpose.

During the coming fiscal year, the court system will build upon its successful Family Court pilot initiatives, including model courts, which are designed to promote and expedite permanency for children, and the use of non-traditional hours of operation to ensure maximum access to the courts by the public. Funding is included in the Judiciary budget request to support expansion of these family-related initiatives to appropriate courts throughout the State.

Additionally, case management and technology improvements have been introduced to enhance the effectiveness of Family Courts including: a Special Victims Safety Check Unit with dedicated staff assigned to provide domestic violence and criminal history information in custody and visitation cases, child neglect and abuse cases, child guardianship cases, and family offense cases; and the development of a single Family Court case management system, which is currently being designed and implemented to take full advantage of the court system's State-wide CourtNet.

### ***Domestic Violence Program***

The court system's focus during the new fiscal year will include a comprehensive approach to domestic violence, with \$8.4 million included in the budget request for that purpose. Resolving domestic violence matters effectively often requires intensive court oversight to ensure that defendants comply with court mandates (orders of protection, conditions of bail, terms of probation) and that victims are protected. To accomplish this, specialized courts and court parts have been created to coordinate and monitor the responses of all the criminal justice and social service agencies involved in domestic violence matters.

The State's first Domestic Violence Court opened in Kings County Supreme Court in 1996. This felony domestic violence court expanded to two parts in October 1998. Specialized domestic violence parts also operate in the New York City Criminal Court city-wide. These parts combine the resources of all-purpose parts, trial parts and compliance parts devoted to misdemeanor domestic violence offenses and pre-indicted felony contempt cases based on the violation of orders of protection.

Model domestic violence court programs funded through federal Violence Against Women grants have been established, including the Bronx Domestic Violence Court (handling misdemeanors since June 1998 and felonies since October 1999), the Buffalo City Court (handling misdemeanors, opened March 1999), and the Westchester County

## ***JUDICIARY***

---

Domestic Violence Court, which handles both felonies and misdemeanors in one courtroom (opened in March 1999). Successful Domestic Violence Courts also have opened in the Monroe County Family Court and the Suffolk County District Court.

During the coming fiscal year the court system will expand and enhance domestic violence case processing and services, including exploration of consolidating related domestic violence matters for a comprehensive approach by the courts.

### ***Community Justice Program***

The Judiciary's Community Courts have proven successful in addressing another justice problem — meeting the needs of communities affected by crime on the local level. The budget request includes \$5.5 million to support existing and expanded Community Court Programs. There currently are three community courts operating in New York City and a fourth community court is in Hempstead, Nassau County. The Midtown Community Court, the first community court in the State, provides on-site opportunities for community service and resources for defendants to end the cycle of criminal behavior. This court, which was independently evaluated and found to provide speedy and responsive justice to the local community, serves as a national model. The community-based court in the Red Hook Justice Center is an expansion of the initial court, which handles criminal matters only. Red Hook, in contrast, is a multi-jurisdictional court hearing criminal, family and housing matters and providing an array of services to restore community safety and quality of life. The Harlem Community Justice Center, which was developed to meet the unique needs of that community, offers a coordinated response to youth crime and housing issues. This budget supports these existing Community Court programs and seeks funds to develop new community courts in the New York City metropolitan area and upstate.

### ***Civil Justice***

The Judiciary's problem-solving approach to the millions of cases brought before the State courts includes the civil caseload. This approach — targeting case treatment to the specific needs of the case type — has led to new initiatives designed to resolve civil cases in a fair and expeditious manner, giving each case the attention it needs. The amount of \$12.7 million is included in the Judiciary's budget request to support the civil justice initiatives.

Specialized parts for specific case types have proven successful, including commercial parts, matrimonial parts, motor vehicle parts, and City parts for cases in which New York City is a defendant. The use of specialized parts will continue, with appropriate support. In matrimonial parts, for example, the addition of social workers to assist families in addressing related custody and visitation disputes has improved the quality and the timeliness of the case resolution. For commercial cases, the Commercial Division operates in New York, Erie, Monroe, Nassau and Westchester County Supreme Courts.

Personal injury and other civil cases have benefitted from the introduction of differentiated case management. This initiative allows the courts to categorize cases based on their complexity and establish appropriate time frames for completion of key events in the case process. Nonjudicial Case Managers oversee case tracking for Judges, allowing Judges to devote their time to case resolution.

The civil caseload also has felt the impact of automation, with the introduction of "e-courts." The e-courts program provides both the bench and the Bar with internet access to Supreme Court calendars, decisions, and future court appearances. It also allows for the filing of court papers over the internet — all electronically — in New York, Monroe and Westchester Counties.



**ACCESS TO JUSTICE**

The Judiciary continues to focus on efforts to improve public trust and confidence and has developed a statewide strategy to improve access to justice, including community outreach and education programs.

Community outreach has involved a series of outreach initiatives and educational efforts designed to inform the public about courts and foster partnerships between courts and local governments, communities and civic groups. These efforts have included media seminars conducted in New York City and each Judicial District outside New York City. Work is also underway on an education video that will be made available to schools and community groups and development of a curriculum package of educational tools to distribute to school districts throughout New York State. The outreach program has also included local actions including many successful community events that were held throughout the State at the Judicial District and County level. Such events, including Law Day ceremonies and Local Court Open House Days, are providing important opportunities to introduce the public to the courts and to build relationships with local officials. The court system also provides important facts and information to the public through its internet Website, [www.courts.state.ny.us](http://www.courts.state.ny.us). Website information includes background on the structure and operation of the New York State Courts and court forms, directories, publications and press releases.

Access to Justice and Community Outreach Initiatives will continue in the coming fiscal year and will be enhanced by additional services to self-represented litigants. Also, a two-day conference to provide a forum for facilitating development of collaborative approaches to the delivery of justice services is planned. The budget request also seeks seed funding for the Justice Access Board.

**OTHER INITIATIVES AND PROGRAMS**

New York's court system is the national leader in developing innovative approaches to justice to broaden the public's access to justice and to increase the effectiveness of court services. In addition to the priority initiatives described above — proposals for the Court Drug Treatment Programs, Family Court initiatives, expansion of the Domestic Violence Courts, Community Courts, Civil Justice, and strategies to improve public trust and confidence and access to the justice system — justice services continues other programs and initiatives designed to improve the court system for New Yorkers. These initiatives are briefly described below.

***Alternative Dispute Resolution Programs***

Among the Judiciary's priorities is the continuation and expansion of appropriate alternative methods of dispute resolution. The court system's Alternative Dispute Resolution (ADR) programs encompass a wide variety of processes and programs, including voluntary community and family dispute mediation, civil case early neutral evaluation, and neutral evaluation for matrimonial matters. Tailored to local needs and conditions, the various initiatives continue the court system's ongoing efforts to explore the expanded use of ADR in ways that complement New York's many different legal environments. This budget supports continuation of ADR initiatives and seeks funds to increase these services and to initiate new mini-grant programs.

***Center for Court Innovation***

The Center for Court Innovation is a unique public-private partnership created by the Unified Court System to foster innovation. Through the Center, the court system continues

## ***JUDICIARY***

---

research to identify new methods of improving the delivery of justice services. The Center's focus is on collaborative solutions and identification of community-based resources and partnerships that will enhance the effectiveness of court programs and services. In recognition of the court system's pioneering work in the administration of justice, the Unified Court System was the recipient of an Innovations in Government award from the Ford Foundation and Harvard's Kennedy School of Government. The Center's first project, the Midtown Community Court, is the model for over 20 community courts currently being established nationwide. Because of its many accomplishments, the Center is often called upon to provide technical assistance to other States interested in court reform.

### ***Jury System Reforms***

Ongoing reforms to make jury duty as meaningful and productive as possible remain a high priority of the court system. In early 2001, the Unified Court System and the National Center for State Courts will host a ground-breaking jury summit in New York City. The jury summit is intended to bring together Judges, attorneys, court administrators, scholars and former jurors to help develop a better understanding of the jury system and plan for its continued improvement.

Other initiatives underway to enhance juror service include implementation of recommendations to improve the grand juror experience. The first step has been the undertaking of a series of voluntary pilot projects across the state to test the feasibility of reducing the grand jury term of service. Pilot projects for reduced terms of service are currently under way in cooperation with the District Attorneys of Albany, Kings, Monroe, Onondaga and Saratoga Counties. Also, to ensure that grand jurors understand their responsibilities, a grand jury handbook and orientation film are being developed and grand juror questionnaires are being produced.

Jury administration also continues to benefit from technology advancements such as automated juror status call-in systems, bar coded summonses, attendance scanning systems and one-step summoning. Public awareness efforts, including a new juror handbook and the availability of a toll-free telephone line to assist with questions and complaints regarding jury duty are another feature of New York's jury improvement effort.

The budget request of the Unified Court System seeks to maintain the momentum for reform through several continuing initiatives, as well as new efforts to reform the Grand Jury process.

### ***Housing Court***

The New York City Housing Court is undergoing a dramatic change, pursuant to the court system's Housing Court Program. This Court's role has changed since 1972, when it was established to enforce housing regulations. The Court now handles large numbers of eviction proceedings, often involving self-represented litigants. The Housing Court has focused on operational changes designed to replace a system of triage with orderly, efficient procedures. The reform effort has focused on establishing an effective process for case assignment and resolution through the creation of specialized resolution and trial ready parts; improved public access through the opening of Resource Centers; and, night parts. As a result of the program, the Court has dramatically increased its trial readiness, with cases being disposed of more quickly and with fewer court appearances.

### ***Court Technology***

Technology plays a key role in allowing the Judiciary to deal effectively and efficiently with its high-volume and complex caseload and enhances the court system's capacity to be accessible and responsive to the public. The court system relies on computer technology to perform a wide range of case management functions and for reporting case

disposition information to the Division of Criminal Justice Services (DCJS). Case management applications that are supported by centralized computer operations include the Criminal Records and Information Management System, Civil Case Information System, Jury Management System, and systems to support New York City Family and Housing Courts and the New York City County Clerks.

New applications and systems are also being developed by using CourtNet, the court system's internal intranet, which electronically connects Judges, court personnel and court system administrators across the State. CourtNet has over 11,000 users who can send and receive electronic mail and related documents and access the intranet web site and other network applications. As part of the CourtNet initiative, connectivity has been provided to 270 court locations throughout the State.

The court system's automation program also incorporates a number of multi-year projects to upgrade and modernize centralized computer operations and to develop a new universal case management application. The budget request reflects ongoing funding for these projects and seeks new COPS funding authorization to finance automation improvements for the court system to ensure the reliability and efficiency of operations statewide.

The key automation initiatives include expansion and maintenance of CourtNet; continued development of the court system's Universal Case Management System to replace existing separate case processing applications; additional state-of-the-art technology courtroom sites, which feature realtime transcription and courtroom access to computerized case information, and technology to provide animated evidentiary presentations; ongoing replacement of desktop and laptop computers and file servers; expansion of remote access for the 2,300 town and village courts; and specialized applications and technology for drug treatment courts, domestic violence courts and community courts. Funds are included for replacement of the antiquated court telephone system in the New York City Courts with modern equipment. New equipment funding is also proposed to provide the New York City Supreme and Criminal Courts with time-saving video arraignment capacity, including central office connections for video technology and equipment set ups for courtrooms and appearance rooms.

### ***Permanent Judicial Commission on Justice for Children***

The Permanent Judicial Commission on Justice for Children was created in 1988 to address the need for systematic change in the way Family Courts and the entire juvenile justice system affect children. The Commission seeks to draw together representatives of the Judiciary, the Legislature, State and local government agencies, voluntary agencies, public service organizations, bar associations and existing task forces, commissions and advisory groups. The New York Court of Appeals has designated the Commission to spearhead New York's implementation of the federal Court Improvement Project. One of the Court Improvement Project's reform efforts was the implementation of Model Family Courts in New York and Erie Counties as pilots designed to promote and expedite permanency for children who are subjects of neglect and abuse proceedings. Such a focus is mandated by New York's enabling legislation for the federal Adoption and Safe Families Act.

The proposed budget continues funding for the Permanent Judicial Commission on Justice for Children. The budget request provides for staff support to the Commission and related expenses. The Commission's staff also oversees the administration of the courts' child care center grants and projects funded through Federal grants, including the expansion of child care services to additional court locations. The Commission has also secured a Federal grant award to assess foster care and adoption proceedings and to develop and implement improvements.

## ***JUDICIARY***

---

### ***Judicial Commission on Minorities***

The Franklin H. Williams Judicial Commission on Minorities was established in 1991 to examine the treatment accorded minority lawyers, court personnel, judges and litigants within the justice system. The Commission is focusing on several issues, including the participation of minorities in the jury process, the number of minority Judges in the State courts, the awareness of the bench and Bar of alternatives to incarceration, and access to the courts by non-English speaking persons.

### ***Judicial Committee on Women in the Courts***

The New York Judicial Committee on Women in the Courts has continued to develop system-wide solutions to assure fair treatment for female litigants, attorneys and court personnel to eliminate gender bias in the justice system. The Committee has adopted various strategies for reaching and changing ingrained biases. Education remains an important tool—education for Judges, nonjudicial personnel and the public. Increasingly important are local gender bias committees under the auspices of Administrative Judges that can address the particular issues in their courts and draw on local institutions for solutions.

### ***Court Facilities Program***

The courthouse has historically been a center of the community as well as a physical home for court functions. Unfortunately, financial and social stresses led many local governments to neglect these once-proud symbols of self-government and others to defer, delay and postpone needed facilities improvements. As a result, by the 1980s, the State faced a major facilities crisis. Across the state, court buildings were dilapidated, neglected and simply inadequate.

In 1987, the State responded by enacting the Court Facilities Act, which reaffirmed the principle that providing, maintaining and improving court facilities remained a local responsibility, while creating a capital planning process to ensure that needed improvements were made. The Act also provided technical assistance from the Office of Court Administration and the State Dormitory Authority and, for the first time, provided some State financial aid to local governments to meet this need.

The result has been a renaissance of court facilities across the State, involving 119 different local governments, and a total capital construction program of over \$3.5 billion. Across the State, dilapidated court buildings have been replaced with new court complexes, fully renovated historic court structures, and adaptive and imaginative efforts to reuse historic structures of various kinds to meet new court needs. Fifty-two cities and thirty-eight counties have substantially completed court renovation programs, while others are in the final stages of planning, design or construction of new and renovated facilities. In New York City, real progress is being made. A number of new buildings have already opened, including the award-winning new Queens Civil Courthouse, and more are in planning or about to begin construction, including two of the largest court complexes in North America: the new Bronx Criminal Court Complex and the new Brooklyn Criminal and Family Court Complex—two buildings which together will cost over one billion dollars.

The State's share of this massive \$3.5 billion effort is relatively small. Under the Act, as it has been amended over the last thirteen years, the State provides an interest subsidy, ranging from 33 percent to 25 percent of interest costs, to defray the cost of borrowing; 100 percent of the cost of cleaning court facilities and making minor repairs to them, and 100 percent of the costs of providing and maintaining facilities for the Appellate Division. As local governments have made the financial commitment needed to renew court facilities across the State, the State's contribution has risen from less than \$10 million in the first year of the program to over \$84 million in the coming year.

***Justice Court Assistance Program***

The Justice Court Assistance Program, enacted by the Legislature during the 1999 session, provides financial assistance to Town and Village Courts for various purposes, including automation, training for Judges and court staff, purchasing law books, and improving court access and the courtroom environment. Magistrates' Associations, which represent town and village Justices, are also eligible to apply for funds from this grant program to be used toward judicial training programs. In the current fiscal year, the Unified Court System will disburse \$500,000 in grants to these local courts across the state. The grants being made under the program will supplement local funding to address specific needs, such as automation equipment and training of court personnel. This initiative is intended to increase the efficiency of town and village court operations and enhance the administration of justice on a local level. The budget request for the Judiciary continues funding for this program of grant assistance at the current year level.

***Criminal History Intensive Reconciliation Project***

The Criminal History Intensive Reconciliation Project is a comprehensive effort undertaken by the Unified Court System in conjunction with the Division of Criminal Justice Services (DCJS) to reconcile more than 1,000,000 unmatched criminal cases. As of Fall 2000, over 200,000 of these open arrests have been resolved using resources provided for this program in the current year. The court system currently maintains Criminal Record and Information System to record reportable criminal activities. This system receives automated arrest information from and provides disposition information to DCJS. The Town and Village Courts submit disposition information directly to DCJS.

Significant work still remains to be done to address unmatched cases. The court system seeks to increase the funds committed to this project and will support the efforts of DCJS to enhance resources to address these cases as well. The most intensive part of the project that remains to be completed involves data collection necessary at the individual court level. For 2001-02, funds are being requested to allow the UCS to hire full-time temporary staff to resolve remaining open cases.

***COURT SYSTEM WORKLOAD***

The court system is handling record level caseloads. In 1999, there were 3,324,595 new cases filed in the trial courts of the Unified Court System, excluding traffic and parking cases, an increase of over 621,950 cases or 23 percent since 1993. Based on data from the first three quarters of 2000, projections indicate continued caseload growth over the 1999 level.

Filings and dispositions in 1999, by case type, were as follows:

***Criminal Cases***

***Criminal Term of Supreme and County Courts***

- Filings - 55,425
- Dispositions - 59,899

# JUDICIARY

---

## Criminal Court of the City of New York

- Filings (arrest cases) - 363,080
- Dispositions (arrest cases) - 368,324
- Filings (summons cases) - 467,591
- Dispositions (summons cases) - 324,591

## City and District Courts Outside New York City

- Filings - 286,583
- Dispositions - 276,658

## Civil Cases

### Civil Term of Supreme Court

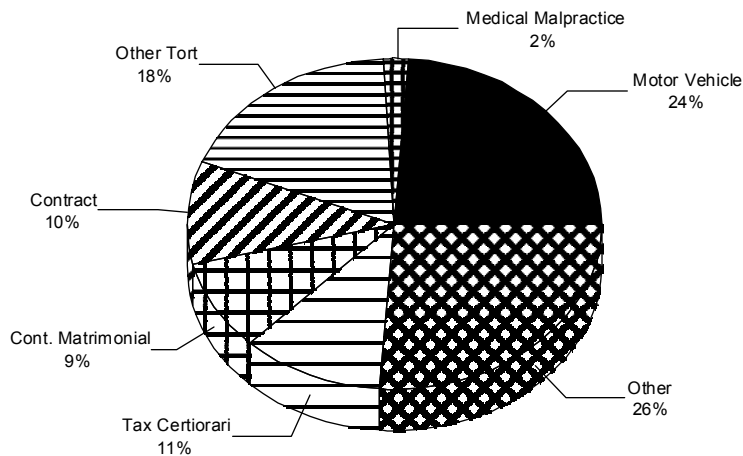
#### Civil Actions

- Filings - 399,827
- Dispositions - 428,516

#### Small Claims Assessment Review Program (SCAR)

- Filings - 53,276
- Dispositions - 53,268

**Supreme Civil New Case Filings  
By Case Type - 1999**



**Civil Court of the City of New York**

Civil Actions

- Filings - 208,008
- Dispositions - 117,636

Small Claims/Commercial Claims

- Filings - 50,250
- Dispositions - 52,169

Housing Court

- Filings - 327,513
- Dispositions - 284,425

**City and District Courts Outside New York City**

Civil Actions

- Filings - 109,612
- Dispositions - 96,249

Small Claims/Commercial Claims

- Filings - 54,212
- Dispositions - 55,717

Landlord/Tenant

- Filings - 71,511
- Dispositions - 72,228

**County Courts**

- Filings - 22,191
- Dispositions - 22,506

**Court of Claims**

- Filings - 2,297
- Dispositions - 2,637

**Arbitration Program**

- Filings - 8,214<sup>1</sup>
- Dispositions - 8,411

---

<sup>1</sup> Arbitration cases are shown for reference only and are not included in the total filings. Arbitration cases are included as part of the civil court caseload listed above.

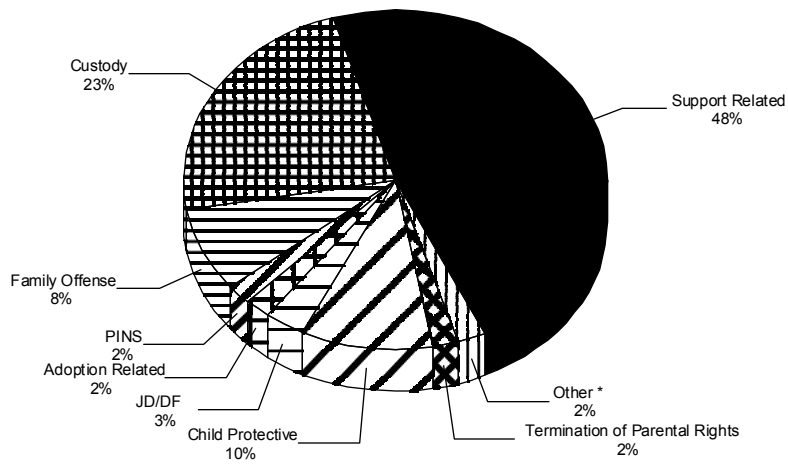
# JUDICIARY

---

## Family Courts

- Filings - 689,749
- Dispositions - 681,650

### Family Court Filings By Case Type - 1999



\* Includes Guardianship, Foster Care, Physically Handicapped, Consent to Marry, Other

## Surrogate's Courts

- Filings - 163,470
- Dispositions - 137,864



## **2001-02 JUDICIARY BUDGET REQUEST**

### **ANALYSIS OF CHANGE**

The Judiciary's 2001-02 Court and Agency Operations - General Fund base budget increase totals \$43.1 million. The chief components of the base change in the Court and Agency Operations- General Fund budget are:

- salary increases, increments and other collective bargaining increases to eligible nonjudicial employees as provided by collective bargaining contracts; \$48.3 million
- temporary service increases to support current usage; \$2.9 million
- funding to meet the full annual cost of new judgeships established during prior legislative sessions and made effective on January 1, 2001; \$.8 million
- a net increase of 14 certificated justices pursuant to section 115 of the Judiciary Law; \$2.0 million
- funding for the full annual cost of new nonjudicial positions approved by the Legislature in the current fiscal year; \$5.1 million
- funding associated with a study of the Unified Court System's nonjudicial classification structure; \$2.5 million
- personal service savings and other miscellaneous adjustments including annualized savings from the Early Retirement Incentive program and normal attrition; \$-2.2 million
- Law Guardian Program increases in Legal Aid contracts; \$1.6 million
- cost increases specific to legal reference (based on inflation and major law changes) purchases and updates required to keep collections current; and computer assisted legal research (CALR) usage; \$2.9 million
- contract security increase amounts necessary for annualization of contract staffing levels approved in 2000-01 and to pay for collective bargaining increases approved or anticipated to be approved by local governments; \$2.7 million
- license fees and related costs for new Universal Case Management System; \$1.5 million
- education and training costs to support current judicial education, nonjudicial training and Town and Village Courts Programs; \$.6 million
- expansion of the Criminal History Intensive Reconciliation Project; \$.3 million
- contractual services increases for the Community Dispute Resolution Program grants and court-based mediation programs to existing centers; \$.6 million
- costs related to conduct a new Court Security Title Examination including required physical and psychological testing; \$1.1 million
- an increase in jury meal and lodging costs and other jury initiatives; \$.6 million
- increased costs for Certificates of Participation (COPS) installment payments related to the COPS Automation initiatives; \$3.0 million
- costs associated with the contractual services operations of Community Courts; \$.3 million
- costs associated with Drug Treatment Program Courts for both personnel and contractual services; \$4.1 million
- cost savings and other miscellaneous adjustments; \$-.9 million
- non-recurring collective bargaining costs; \$-34.7 million

The Judiciary General Fund - Court and Agency Operations Budget includes \$4.8 million in resource requests to continue key Judiciary initiatives. The proposals are directed to meeting specific objectives in priority areas including the court system's Family Justice Program, Domestic Violence Program, Civil Justice Program, and the expansion and improvement of court security services. Funds requested in the Judiciary budget include:

**Additional Personnel:** Funds for 156 new personnel related to family justice and other court system initiatives and workload related staffing needs: \$1.9 million

## ***JUDICIARY***

---

**Automation:** The request includes \$0.7 million in COPS financing for the continuation of Court System Automation Initiatives, and \$.4 million for Appellate Court and Auxiliary agency initiatives; \$1.1 million

**Court Security Enhancements:** A request is made for additional contractual security personnel \$.6 million; state-paid court officer positions (52; \$.5 million) are included in the 156 "additional personnel"

**Furnishing and Equipment:** A request is made for COPS financing to upgrade and replace badly deteriorated and new furnishings; \$.3 million

**Records Management:** Funding for records management projects in the trial courts; \$.5 million

**Access to Justice Board:** Funding for administrative expenses; \$.3 million

**Move from the AESOB :** Expenses associated with the move from the Alfred E. Smith Building; \$.1 million

***THE JUDICIARY BUDGET - 2001-02***

Following is the Summary of the 2001-02 fiscal requirements of the Judiciary as approved by the Court of Appeals and certified by Chief Judge Judith S. Kaye. Also included is a legislative bill copy and financial plan in support of the Judiciary's budget request.

# JUDICIARY

**Unified Court System  
2001-02 Budget Request  
All Funds Appropriation Requirements  
Major Purpose / Fund Summary**

<u>Catagory/Fund/Major Purpose</u>	<u>2000-2001 Available</u>	<u>2001-02 Requested</u>	<u>Change</u>
<b><u>Court &amp; Agency Operations:</u></b>			
<i>Courts of Original Jurisdiction</i>	1,038,603,820	1,109,684,769	71,080,949
<i>Court of Appeals</i>	11,740,625	12,725,244	984,619
<i>Appellate Court Operations</i>	53,829,279	56,399,653	2,570,374
<i>Appellate Auxiliary Operations</i>	69,771,837	72,790,540	3,018,703
<i>Administration &amp; General Support</i>	17,634,063	18,335,138	701,075
<i>Judiciary Wide Maintenance Undistributed</i>	40,790,736	10,262,685	(30,528,051)
<b><i>CT. &amp; AG. Operations-General Fund-Total</i></b>	<b>1,232,370,360</b>	<b>1,280,198,029</b>	<b>47,827,669</b>
<b><u>Special Revenue Fund-Federal</u></b>			
<i>Miscellaneous Federal Grants</i>	6,000,000	4,000,000	(2,000,000)
<b><u>Special Revenue Fund-Other</u></b>			
<i>New York City County Clerks Offset Fund</i>	16,422,401	16,906,225	483,824
<i>Data Processing Offset Fund</i>	9,547,555	10,243,971	696,416
<i>Miscellaneous Special Revenue Grants</i>	1,000,000	2,000,000	1,000,000
<i>Attorney Licensing Fund</i>	16,566,234	18,596,815	2,030,581
<i>Court Facilities Incentive Aid Fund</i>	1,514,246	2,405,105	890,859
<b><i>Court &amp; Agency-All Funds-Total</i></b>	<b>1,283,420,796</b>	<b>1,334,350,145</b>	<b>50,929,349</b>
<b><u>General State Charges</u></b>			
<i>General Fund</i>	196,782,322	211,788,132	15,005,810
<i>Lawyer's Fund-Client Protection</i>	98,000	98,000	0
<i>Attorney Licensing Fund</i>	1,939,244	2,086,627	147,383
<i>Court Facilities Incentive Aid Fund</i>	199,362	214,514	15,152
<i>Data Processing Offset Fund</i>	1,667,387	1,794,108	126,721
<i>New York City County Clerks Offset Fund</i>	2,374,214	2,554,654	180,440
<b><i>General State Charges - All Funds Total</i></b>	<b>203,060,529</b>	<b>218,536,035</b>	<b>15,475,506</b>
<b><u>Lawyer's Fund-Client Protection</u></b>			
<i>Lawyer's Fund Client Protection</i>	9,007,616	8,988,637	(18,979)
<b><i>Lawyer's Fund All Funds -Total</i></b>	<b>9,007,616</b>	<b>8,988,637</b>	<b>(18,979)</b>
<b><u>Aid to Localities</u></b>			
<i>General Fund-Courts of Original Jurisdiction</i>	775,000	500,000	(275,000)
<i>Court Facilities Incentive Aid Fund</i>	59,318,556	84,768,898	25,450,342
<b><i>Aid to Localities - All Funds -Total</i></b>	<b>60,093,556</b>	<b>85,268,898</b>	<b>25,175,342</b>
<b><u>Capital Projects</u></b>			
<i>Capital Construction - All Funds - Total</i>	7,775,000	35,825,000	28,050,000
<b><i>Capital Construction - All Funds - Total</i></b>	<b>7,775,000</b>	<b>35,825,000</b>	<b>28,050,000</b>

**Unified Court System  
2001-02 Budget Request  
All Funds Appropriation Requirements  
(Fund Detail)**

<u>Catagory/Fund/Major Purpose</u>	<u>2000-2001 Available</u>	<u>2001-02 Requested</u>	<u>Change</u>
<b><u>Court and Agency Operations:</u></b>			
Courts of Original Jurisdiction			
<i>General Fund</i>	1,038,603,820	1,109,684,769	71,080,949
<i>Special Revenue Funds</i>	33,076,921	33,581,122	504,201
<i>Total - All Funds</i>	1,071,680,741	1,143,265,891	71,585,150
Court of Appeals			
<i>General Fund</i>	11,740,625	12,725,244	984,619
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	11,740,625	12,725,244	984,619
Appellate Court Operations			
<i>General Fund</i>	53,829,279	56,399,653	2,570,374
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	53,829,279	56,399,653	2,570,374
Appellate Auxiliary Operations			
<i>General Fund</i>	69,771,837	72,790,540	3,018,703
<i>Special Revenue Funds</i>	14,870,714	15,662,359	791,645
<i>Total - All Funds</i>	84,642,551	88,452,899	3,810,348
Administration and General Support			
<i>General Fund</i>	17,634,063	18,335,138	701,075
<i>Special Revenue Funds</i>	2,161,453	2,741,318	579,865
<i>Total - All Funds</i>	19,795,516	21,076,456	1,280,940
Judiciary Wide Maintenance Undistributed			
<i>General Fund</i>	40,790,736	10,262,685	(30,528,051)
<i>Special Revenue Funds</i>	941,348	2,167,317	1,225,969
<i>Total - All Funds</i>	41,732,084	12,430,002	(29,302,082)
<b>Court &amp; Agency Operations -Total</b>			
<i>General Fund</i>	1,232,370,360	1,280,198,029	47,827,669
<i>Special Revenue Funds</i>	51,050,436	54,152,116	3,101,680
<i>Total - All Funds</i>	<b>1,283,420,796</b>	<b>1,334,350,145</b>	<b>50,929,349</b>
<b><u>General State Charges</u></b>			
<b><u>Employee Fringe Benefits</u></b>			
<i>General Fund</i>	196,782,322	211,788,132	15,005,810
<i>Special Revenue Funds</i>	6,278,207	6,747,903	469,696
<i>Total - All Funds</i>	<b>203,060,529</b>	<b>218,536,035</b>	<b>15,475,506</b>
<b><u>Lawyer's Fund for Client Protection</u></b>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	9,007,616	8,988,637	(18,979)
<i>Total - All Funds</i>	<b>9,007,616</b>	<b>8,988,637</b>	<b>(18,979)</b>
<b><u>Aid to Localities</u></b>			
<i>General Fund</i>	775,000	500,000	(275,000)
<i>Special Revenue Funds</i>	59,318,556	84,768,898	25,450,342
<i>Total - All Funds</i>	<b>60,093,556</b>	<b>85,268,898</b>	<b>25,175,342</b>
<b><u>Capital Projects</u></b>			
<i>General Fund</i>	7,775,000	35,825,000	28,050,000
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	<b>7,775,000</b>	<b>35,825,000</b>	<b>28,050,000</b>

# ***JUDICIARY***

---

**Unified Court System  
2001-2002 Budget Request  
All Funds Disbursement Requirements**

<b><u>Category / Fund</u></b>	<b><u>2000 - 2001 Projected</u></b>	<b><u>2001 - 2002 Projected</u></b>	<b><u>Change</u></b>
<b>Court &amp; Agency Operations:</b>			
<b><i>General Fund</i></b>	1,233,387,831	1,264,657,484	31,269,653
<b><i>Special Revenue Federal</i></b>			
Miscellaneous Federal Grants	3,643,344	3,820,000	176,656
<b><i>Special Revenue Funds - Other</i></b>			
NYC County Clerks' Operations Offset Fund	16,379,104	16,912,301	533,197
Judiciary Data Processing Offset Fund	9,285,405	9,798,493	513,088
Miscellaneous Special Revenue	110,940	110,940	0
Attorney Licensing Fund	17,494,148	19,320,839	1,826,691
Court Facilities Incentive Aid Fund	1,499,000	1,994,312	495,312
<b><i>Court &amp; Agency Operations - All Funds Total</i></b>	<b>1,281,799,772</b>	<b>1,316,614,369</b>	<b>34,814,597</b>
<b><u>General State Charges</u></b>			
General Fund	193,205,423	211,488,015	18,282,593
Lawyers' Fund for Client Protection	98,000	98,000	0
Attorney Licensing Fund	1,939,244	2,086,627	147,383
Court Facilities Incentive Aid Fund	199,362	214,514	15,152
Judiciary Data Processing Offset Fund	1,543,877	1,667,387	123,510
NYC County Clerks' Operations Offset Fund	2,374,214	2,554,654	180,440
<b><i>General State Charges - All Funds Total</i></b>	<b>199,360,120</b>	<b>218,109,197</b>	<b>18,749,078</b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
Lawyers' Fund for Client Protection	9,708,453	8,828,000	(880,453)
<b><i>Lawyers' Fund for Client Protection - Total</i></b>	<b>9,708,453</b>	<b>8,828,000</b>	<b>(880,453)</b>
<b><u>Aid to Localities</u></b>			
General Fund - Courts of Original Jurisdiction	775,000	500,000	(275,000)
Court Facilities Incentive Aid Fund	61,715,000	82,200,000	20,485,000
<b><i>Aid to Localities - All Funds Total</i></b>	<b>62,490,000</b>	<b>82,700,000</b>	<b>20,210,000</b>
<b><u>Capital Projects</u></b>			
Courthouse Improvements	1,778,274	17,928,685	16,150,411
<b><i>Capital Construction - All Funds Total</i></b>	<b>1,778,274</b>	<b>17,928,685</b>	<b>16,150,411</b>