

# **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, 2,300 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**

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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. It also includes a Small Claims Part and a Commercial Small Claims Part for matters not exceeding \$3,000. 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.

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**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, 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.

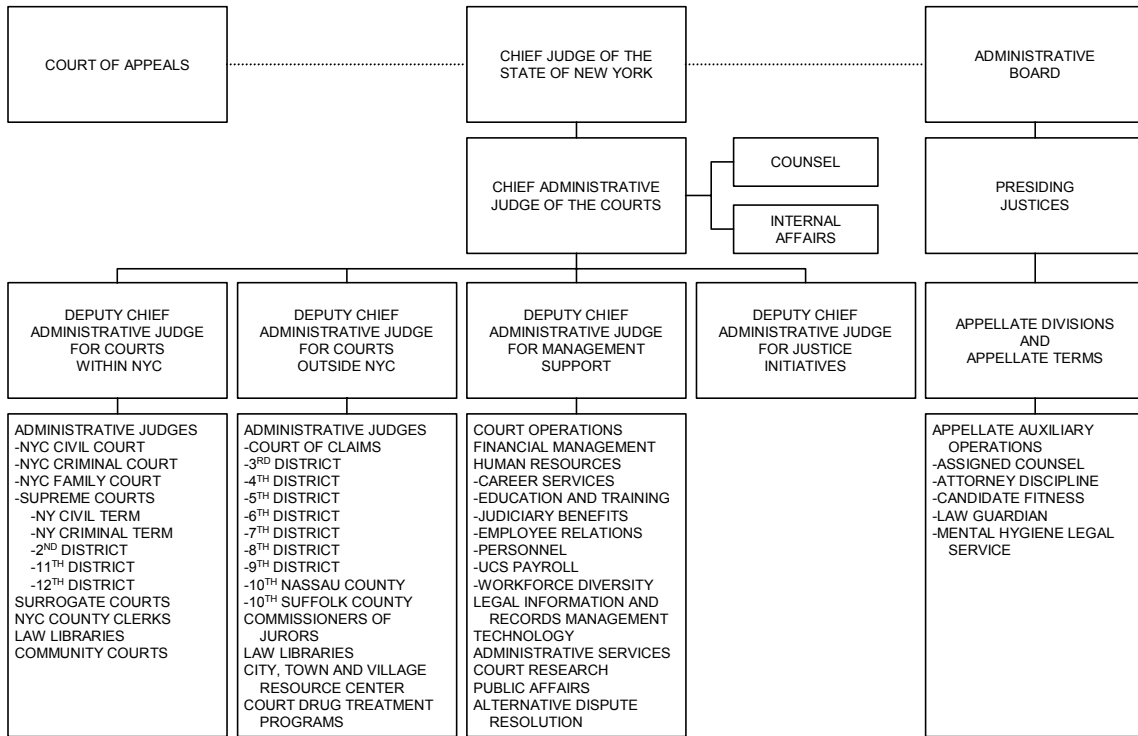
Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrative Judge.

# JUDICIARY

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 Courts are established and administered as an independent branch of government 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 all matters before the courts. In so doing, 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. The New York State Judiciary carries out its mission through 11 different trial courts, or courts of original jurisdiction, as well as through its intermediate appellate courts and its highest court, the Court of Appeals.

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 clerks, local bar leaders, and citizens concerned with the future of justice services in New York State. This budget reflects a rigorous review and analysis process, culminating with a recommended budget amount that is fiscally prudent, recognizing the State's uncertain economic climate while ensuring the necessary resources to continue the programs which provide the public with fair and efficient case resolution.

### **THE 2002-03 JUDICIARY BUDGET REQUEST**

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2002-03 is \$1.33 billion, a 3.5 percent increase over the current year. The State Funds Court and Agency portion of the request, including the General Fund as well as Special Revenue Funds, is \$1.39 billion, a 4.2 percent increase over the current year fiscal appropriation of \$1.33 billion.

### **SEPTEMBER 11, 2001**

Words cannot sufficiently describe the depth of the impact that the terrorist attacks of September 11 had on New York and the entire nation. Like so many, the New York Judiciary faced daunting challenges in the first days following the events. And as the courts re-open to business as usual, the court system grieves the loss of three of its own officers — Captain Harry Thompson, Senior Court Officer Mitch Wallace and Senior Court Officer Tommy Jurgens — as well as the loss of members of over 60 Judiciary families. Under the leadership of Chief Judge Judith Kaye, the Judiciary is rebounding, recognizing that, of all institutions, it must be strong and unwavering in the face of such a brutal attack on our nation, and making clear that the justice system is more vital to New Yorkers today than ever.

## **JUDICIARY**

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The toll that the World Trade Center attack took on the State courts was dramatic. The New York City location of the Court of Claims, located at 5 World Trade Center, was destroyed. The courts in lower Manhattan, including the Civil and Criminal Divisions of the New York County Supreme Court, the New York County Surrogate's Court and the Manhattan locations of the New York City Criminal, Civil and Family Courts, were in the midst of the congestion and debris and could not immediately reopen, although none of the courts was damaged. At the same time, many courts lost essential services. Telephone service for the Manhattan courthouses was, and continues to be, disrupted. Data lines were interrupted for the entire southern portion of the State, with the effect that the courts temporarily lost all access to computers and the information on the court system's databases. In addition, those who come to the courts — attorneys, litigants and jurors — felt the impact of the terrorist attack. Thousands of lawyers, including the New York City Corporation Counsel, the Port Authority, and the Legal Aid Society, had offices in or near the World Trade Center and were simply unable to access lost or destroyed case files.

The Judiciary responded, establishing alternative sites for court procedures, attending to the needs of Judges and employees, and providing telephone and computer services to the courts. Immediately following the attack, emergency applications were heard by Supreme Court Justices sitting in the Appellate Division, First Department, as well as courts in other boroughs. In Kings County, for example, a Family Court Judge handled applications for orders of protection and other requests for emergency relief from Manhattan residents. Criminal cases for New York County were arraigned in the Midtown Community Court, which is not located in lower Manhattan.

At the same time, the Judiciary's Technology Division undertook the herculean effort of restoring essential telephone and data communications to the courts. The Department used the most up-to-date technology, including wireless and fiber-optic, to resume high-speed transmission of data. In the days following the attack, court personnel were literally on the rooftops of court buildings installing line-of-sight wireless transmitters to successfully link the courts. The Division also installed 640 internet telephones in a single weekend, replacing the over 2,000 telephone lines that were destroyed, to allow communication with the courts.

A Liaison Office for the courts was established at the Office of Court Administration to assist attorneys and litigants in reconstructing missing files by obtaining and copying court documents at no cost. This service, as well as daily updated information on the status of court operations, was publicized on the court system's web site and toll-free hotline. The Chief Judge and Chief Administrative Judge met regularly with bar leaders and, in an open letter to the Bar, appealed to all attorneys to cooperate with each other so that justice could be served.

Jurors reported in record numbers, staying even when they were advised that they did not have to serve. Information on the court system's web site and hotline advised jurors of the status of their service. As a result of the overwhelming response by jurors who wanted to perform their civic duty, a telephone call-in system was introduced throughout New York City so that prospective jurors could find out if they would be needed without having to report at the courthouse.

As vital as it was to return court operations to as close to normal as possible, the most important response made was on behalf of the people affected. A new procedure was developed to assist the families of the victims in streamlining the process of obtaining death certificates. Under the auspices of the New York County Surrogate's Court, the court process is being completed within 24 hours of application. The New York State Bar generously responded by offering the pro bono services of specially trained attorneys to represent families in this process. Thousands of attorney volunteers trained at the NYC Family Assistance Center to meet with families. Court personnel also staffed the Family Assistance Center, providing information on Family Court and Housing Court procedures.

For the court families directly affected by the tragedy, a Court Families Assistance Fund was established, in cooperation with the Fund for the City of New York, to address the financial needs of those court employees. Support services, including professional critical incident counseling, continue to be offered to those in need.

**POST-SEPTEMBER 11, 2001 PRIORITY — SECURITY IN THE COURTS**

Among the greatest challenges facing the court system since September 11 are the security issues that arose. Security is continually being updated and reviewed in light of the ever-changing incidents that include the identification of hazardous materials in so many locations. In response to the attack, at the request of New York City, security for the courts in the City was enhanced to provide coverage 24 hours every day. Also at the request of New York City, trained uniformed officers of the court system provide perimeter patrols for the Office of Emergency Management on a 24-hour basis. Other security measures recently instituted to meet the new security challenges include the installation of barricades around the most vulnerable court facilities; the addition of new and enhanced magnetometers for all court locations, including courthouses outside of New York City that needed improved coverage; the requiring of magnetometer screening for all court visitors; and the requirement that court employees display their court identification cards at all times and that Judges display theirs upon request.

The proposed 2002-03 budget provides support only for ongoing essential court services and requests a targeted program of security improvement and emergency preparedness. As the nation has been forced to recognize, an adequate uniformed presence is essential to ensure the safety and security of the public, the Bar, jurors, Judges and nonjudicial personnel.

The 2002-03 Judiciary General Fund Court and Agency Operations budget request is essentially limited to the funding necessary to continue current court operations. This baseline budget level includes funding for authorized judicial and nonjudicial positions and legislatively authorized collective bargaining agreements and administrative provisions, including salary increments and geographic pay differentials for eligible nonjudicial employees. Adjustments are also reflected for certificated justices and staff changes; annualization of costs for programs and services partially funded in the current year; a legislatively authorized salary adjustment for Housing Court judges; overtime and temporary service sufficient to maintain current operations; jury per diem payments consistent with projected workload levels; legal reference materials and services at contractually agreed to rates; contractual security services with increases related to collective bargaining agreements for locally provided security; judicial hearing officer support, and other requisite per diem payments for trial-related services; finance payments for prior year COPS automation and furnishings and equipment replacement programs; and other necessary support for basic costs such as telephones, space and equipment rentals and office supplies for the daily operations of the courts and court-related agencies.

Beyond these ongoing and fundamental needs, a modest funding proposal is included to ensure the safety and security of the courts. Resources are sought in this budget request to improve the screening of those entering court facilities and authorization for staffing to provide adequate building and part coverage and enhanced emergency preparedness. The enhancements include:

- the conversion of up to 100 existing Unified Court System vacant positions to security titles to provide additional and enhanced coverage in those courts where State-paid uniformed court officers now provide court security;
- the conversion of up to 150 full-time equivalent security positions partially from funding currently being expended for overtime to ensure that there are sufficient numbers of officers for enhanced security coverage. This will alleviate the physical and mental burden of providing mandated additional security on an overtime basis;
- the creation of up to 104 additional new security lines for enhanced security in the courts, primarily in the New York City metropolitan area, in which security is provided by State- paid uniformed court officers; and
- an increase in contractual security to provide up to 60 additional deputy sheriff and police officer positions in those courts outside of the New York City metropolitan area where security is provided via contract with the local government.

These measures are necessary to ensure that the Judiciary is in a position to meet the security challenges facing the courts and that the public, employees and Judges have open access to New York's justice system.

## **JUDICIARY**

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### **ONGOING PRIORITIES**

The court system remains committed to innovative, problem-solving approaches to resolving disputes and improving the public's understanding of and access to justice. The Judiciary continues to recognize its responsibility to address pressing societal issues, such as domestic violence, drug addiction, juvenile crime and mental health, in an effort to break the cycle of recidivism that brings defendants back into the justice system time and time again. In the coming fiscal year, base budget resources will be directed to achieve this goal.

Included in the base budget are resources to fund specialized courts that seek to resolve the underlying problems that contribute to crime and family distress and that result in matters being repeatedly brought before the New York courts. The Judiciary also continues its focus on access to justice through efforts to remove barriers to legal representation for the poor, generating new ideas for assuring needed civil legal services to the low and moderate income New Yorkers, providing information and support to self-represented litigants, and community outreach to better inform the public about justice services and the role of the Judiciary.

### ***Problem Solving Courts***

Judiciary problem-solving court programs include court drug treatment programs, family justice services, integrated domestic violence courts and community justice centers. This budget request provides support for the continuation and expansion of criminal and family treatment courts, although the pace of expansion will be slowed in view of the State's fiscal condition. With broad-based cooperation, the court system is working with its state and local partners in law enforcement and in the treatment community to ensure that drug courts link non-violent addicts to court-mandated treatment programs. Through these programs, 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. Through assessment, screening and treatment of non-violent offenders and families, New York is the first court system in the nation to take a comprehensive approach to addressing the critical problem of drug abuse and the related court cases.

The court systems' commitment to a problem-solving court includes a wide range of family justice initiatives intended to improve the delivery of family justice services by focusing on the specialized treatment of cases and greater access to the courts. A key element of the court system's response to the challenge of domestic violence has been the creation of Integrated Domestic Violence (IDV) Courts within the existing trial court structure. These integrated courts focus both on domestic violence cases and also handle all family court and matrimonial matters involving families in which physical abuse is alleged. The IDV courts build on the successful model of the specialized domestic violence courts, enlarging them to encompass all possible related issues in a domestic violence case. This initiative is being implemented in courts in each of the four judicial departments of the state in Westchester, Bronx, Rensselaer and Monroe counties.

Another major Family Court reform effort now underway is the Model Courts Initiative. Model Courts are designed to promote and expedite permanency for children who come before the court as the subjects of neglect and abuse proceedings. The Model Court projects successfully expedited proceedings by setting strict time standards for court hearings and by employing a team concept that emphasizes speedy delivery of needed services for the child and the family from the first day the case comes into court.

Other Family Court initiatives, developed to assist the many thousands of self-represented litigants served by the court include night court, satellite court locations, and case management and technology improvements introduced to enhance the effectiveness of Family Courts including: a Special Victims Safety Check Unit with dedicated staff assigned to provide judges with domestic violence and criminal history information in custody and



visitation cases, child neglect and abuse cases, child guardianship cases, and family offense cases; and development of a single Family Court case management system, which is currently being implemented to take full advantage of the court system's statewide CourtNet and the new technology now available to judges and court personnel.

Community Courts address another justice problem — meeting the needs of communities affected by crime on the local level. New York's court system now operates community courts in several locations including The Midtown Community Court, the Red Hook Community Justice Center, the Harlem Community Justice Center and Hempstead, Nassau County. Planning is also underway for a community court program in Queens County. These courts work to find lasting solutions to recurring problems that affect the quality of life in the community and to take advantage of community service sentencing options in order to make justice visible in the community. Additionally, the Harlem Community Justice Center features a Youth Court; a mediation program to help resolve neighborhood interpersonal disputes with a focus on landlord-tenant conflicts; and a Juvenile Drug Treatment Court.

### ***Access to Justice***

The Unified Court System has developed a statewide strategy to improve access to justice which includes increasing services to self-represented litigants, greater availability of civil legal services, and community education and outreach programs to promote trust and confidence in the Judiciary.

As part of the Access to Justice program, the Judiciary recently announced the new Access to Justice Center, which will function as the vehicle for securing long-term funding sources for civil legal services for New Yorkers who need, but cannot afford, such services. This Center will be charged with eliminating barriers to legal representation for the poor, increasing support for self-represented litigants, promoting the use of alternative dispute resolution and developing permanent funding sources. The Center will be overseen by an Access to Justice Board, charged with identifying funds for the support of civil legal services programs, serving as a clearinghouse for civil legal services issues, and recommending laws, regulations and programs to improve funding for delivery of civil legal services.

Community education and outreach is also a central component of the Judiciary's access to justice efforts. Outreach to the public has involved a variety of programs and educational efforts, including a Public Affairs website (found at [www.courts.state.ny.us](http://www.courts.state.ny.us)) that features information about the courts' community initiatives, court system publications, and educational pages directed toward students of all grade level. The statewide strategy for eliminating barriers to justice in New York has also been bolstered by publication of Justiceworks, a brochure which outlines the various resources and services available to court users.

### ***Civil Justice***

The Comprehensive Civil Justice Plan was initiated to move civil cases through the system at a more efficient pace by encouraging the court to take a more active role in managing cases. This program has been instrumental in reducing the pending inventory of trial-ready cases to the lowest level in many years. Efforts are now underway to focus greater attention on pre-trial ready cases, ensuring that case milestones are met in a timely fashion, thus readying the cases for trial. The program also features technological innovations, including pilot locations for the electronic filing of court papers, case management and statistical analysis. The future court appearance application is available for public inquiry into the status of active civil cases in Supreme Court. Information is available on open cases in 33 of the State's counties. The application also links information on over 40,000 Supreme Court decisions in Kings, Nassau, New York, Queens, and Suffolk Counties.

## **JUDICIARY**

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### ***Court Technology***

Technology continues to play a central role in allowing the Judiciary to deal effectively with its high-volume caseloads and in improving public access to court information. Significant progress has been made in implementing the Statewide intranet (CourtNet) and in providing the technology and applications that support automated case management capability and internal communications through e-mail and video-conferencing. The court system has also made important strides in facilitating access by the public to case and court system information. In addition to CourtNet, the Unified Court System is expanding the availability of courtroom technology enhancements including real-time transcription, courtroom access to computerized case information and technology to provide animated evidentiary presentations.

The court system's automation program incorporates a number of multi-year projects to upgrade and modernize centralized computer operations. The base 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 maintenance of CourtNet; continued development of the court system's Universal Case Management System to replace existing automated case processing applications; additional state-of-the-art technology courtrooms; ongoing replacement of desktop and laptop computers and file servers; expansion of remote access to CourtNet for the 2,300 Town and Village Courts; and specialized applications and technology for drug treatment courts, domestic violence courts and community courts. Replacement of the antiquated and inoperable NYC court telephone system with modern equipment and systems is also a high priority, especially in light of the recent communication systems disruption caused by the World Trade Center attack. To reduce security risks, additional equipment is being acquired to provide the NYC Criminal Courts with timesaving video arraignment capabilities, including central office connections for video technology and equipment set-ups for criminal courtrooms and appearance rooms at courthouses throughout NYC. New projects that would be undertaken if additional COPS financing become available include digital imaging systems to ensure that court records can be recovered in case of a disaster and a human resources application that will allow the court system's back office technology to more effectively interface with the State Comptroller's PAYSR payroll system.

The court system provides extensive, detailed case information to attorneys, press, and the public on its internet site ([www.courts.state.ny.us](http://www.courts.state.ny.us)) free of charge and will continue to do so. As a revenue enhancement measure, the Unified Court System budget reflects a proposal to provide certain electronically-generated information on a fee-for-service basis. The E-subscription services will provide value-added services for which the UCS will charge a small fee. These value-added services include: e-mail notification of change to case information; the Case Watch service; attorney-only secure e-mail services; wireless device services; and individualized case calendars for subscribers. At a later stage, the E-subscription service will be expanded to include other items such as a case management system for the small practitioner. A Judiciary Data Processing Offset Fund increase reflecting the proposed establishment of these fee-based services, is reflected in the 2002-03 budget.

### ***Diversity Programs***

Two important initiatives for the coming fiscal year are included in the Judiciary's budget request. The court system plans to offer year long fellowships to law school graduates and technology program graduates interested in pursuing careers in court system public service. The court system also plans to create a Legal Education Opportunity Program to enhance the diversity of the New York State Bar. The Legal Education Opportunity program would be modeled upon similar programs that have been created in other States, most notably Indiana University's "Conference on Legal Education Opportunity" (CLEO) program which is aimed at increasing the number of minority, low-income and disadvantaged students who attend the law school in the State.

***Town and Village Courts***

The Justice Court Assistance Program, enacted by the Legislature during the 1999 session, provides financial assistance for various purposes, including automation, training for judges and court staff, purchasing of law books, and improvement of court facilities. Magistrates Associations, which represent town and village justices, also may apply for funds 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. Funding for grants will be capped at a maximum of \$20,000 for any one court or association. The grants being made available under the program will supplement local funding to address specific needs, such as automation and training of court personnel. The new initiative is intended to increase the efficiency of Town and Village Court operations and enhance the administration of justice on a local level. The proposed budget for the Judiciary continues funding for this program of grant assistance at the current year level.

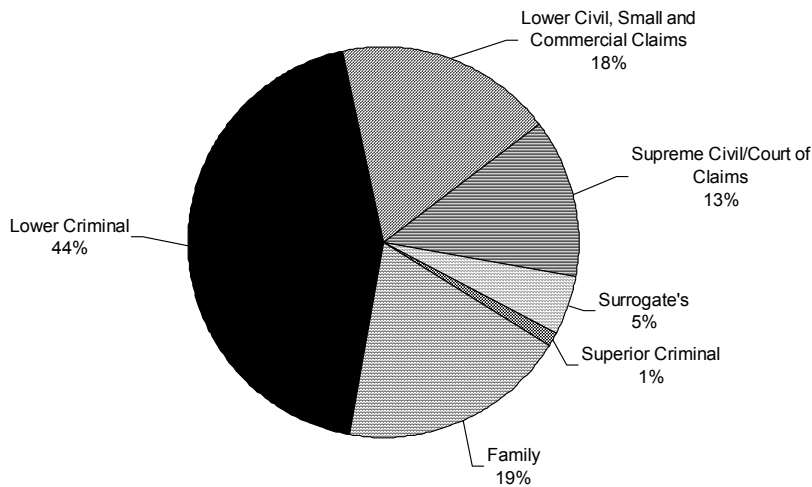
***Criminal Disposition Reconciliation Project***

The court system has been working with the Division of Criminal Justice Services to resolve the long-standing problem of unmatched criminal cases and dispositions. The court system maintains an automated Criminal Record and Information System to record reportable criminal activities. The system receives automated arrest information from and provides disposition information to the Division of Criminal Justice Services (DCJS). The Town and Village Courts submit disposition information directly to DCJS. 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 to reconcile more than 1,000,000 open arrests. As of July 2001, there were approximately 500,000 remaining open cases. This budget continues temporary service funds to allow a short-term assignment of court staff to conduct field reviews. The Director of Internal Affairs supervises the project and oversees teams of temporary staff who are assigned to research and resolve open arrest cases.

***COURT SYSTEM WORKLOAD***

The court system is handling record level caseloads. In 2000, there were 3,507,626 new cases filed in the trial courts of the Unified Court System, excluding traffic and parking cases, an increase of over 800,000, or 30 percent, since 1993.

### Trial Court Filings by Case Type - 2000



Filings and dispositions in 2000, by case type, were as follows:

#### ***Criminal Cases***

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

- Filings - 53,932
- Dispositions - 58,138

##### **Criminal Court of the City of New York**

- Filings (arrest cases) - 384,668
- Dispositions (arrest cases) - 388,042
- Filings (summons cases) - 604,406
- Dispositions (summons cases) - 423,422

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

- Filings - 284,519
- Dispositions - 277,741

**Civil Cases**

**Civil Term of Supreme Court**

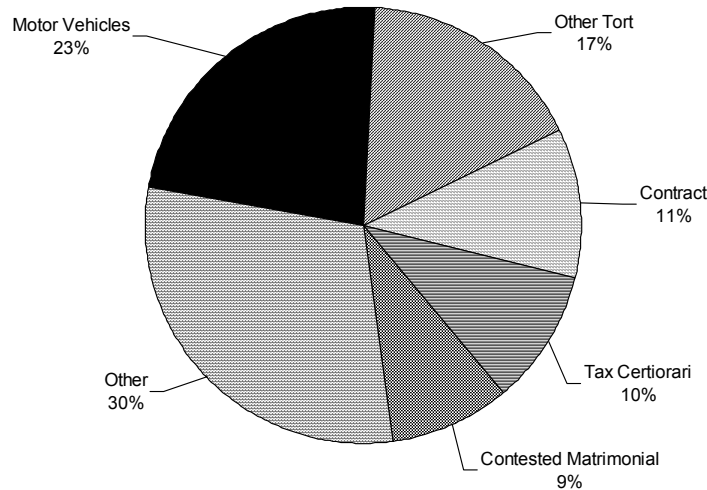
Civil Actions

- Filings - 412,296
- Dispositions - 453,997

Small Claims Assessment Review Program (SCAR)

- Filings - 50,523
- Dispositions - 35,246

**Supreme Civil New Case Filings  
by Case Type - 2000**



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

Civil Actions

- Filings - 212,645
- Dispositions - 108,351

Small Claims/Commercial Claims

- Filings - 48,783
- Dispositions - 52,102

Housing Court

- Filings - 330,155
- Dispositions - 293,824

# JUDICIARY

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## City and District Courts Outside New York City

### Civil Actions

- Filings - 109,220
- Dispositions - 100,809

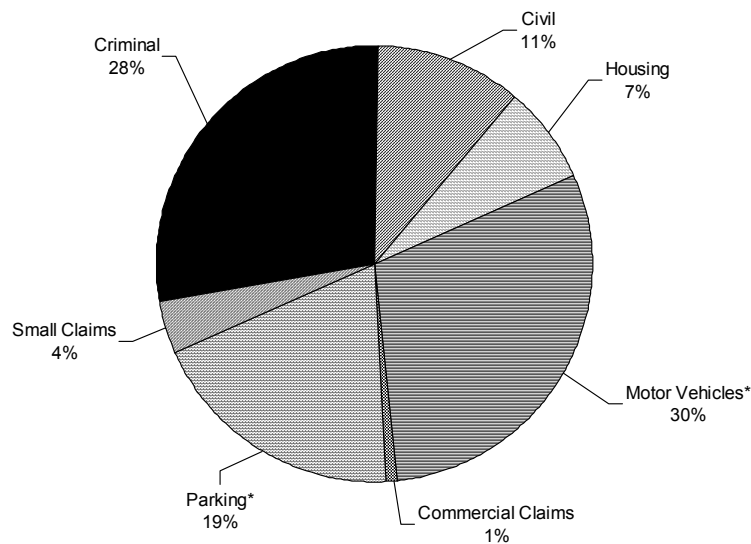
### Small Claims/Commercial Claims

- Filings - 54,010
- Dispositions - 55,377

### Landlord/Tenant

- Filings - 75,441
- Dispositions - 75,362

City and District Court Filings  
by Case Type - 2000



\* Does not include cases in which defendants did not respond

## County Courts

- Filings - 28,584
- Dispositions - 29,009

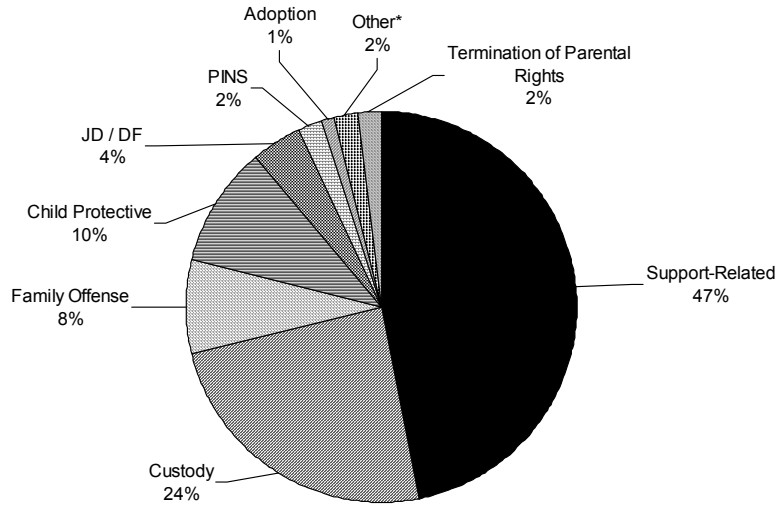
## Court of Claims

- Filings - 2,092
- Dispositions - 2,344

## Arbitration Program

- Filings - 23,969
- Dispositions - 18,569

### Family Court Filings by Case Type - 2000



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

#### Family Courts

- Filings - 691,489
- Dispositions - 695,431

#### Surrogate's Courts

- Filings - 164,863
- Dispositions - 135,475

# **2002-03 JUDICIARY BUDGET REQUEST**

## **ANALYSIS OF CHANGE**

The Judiciary's 2002-03 Court and Agency Operations - General Fund budget increase totals \$45.4 million. Baseline increases of almost \$70 million required to continue 2001-02 operations in fiscal 2002-03 are funded through reductions in virtually all components of the request. The mandatory nonjudicial salary increases alone will cost approximately \$47.5 million, more than the entire \$45.4 million increase being sought in this budget. The major components of the General Fund Operations change include:

- \$48.9 million for salary increases (\$47.5 million) and location pay increases (\$1.4 million) for nonjudicial employees in accordance with collective bargaining contracts and administrative provision.
- \$5 million for the annualization of 156 new nonjudicial positions approved for the current year.
- \$2.9 million for certificated justices and staff on 1/1/2002 and 1/1/2003 — a net increase of 19 justices pursuant to section 115 of the Judiciary Law.
- \$.3 million for a salary increase approved in the current year for Housing Court Judges.
- \$3.0 million for up to 150 full-time equivalent security positions partially funded from the conversion of current overtime expenses.
- \$-3.8 million reduction in overtime and temporary service costs.
- \$-11.0 million reduction in personal service costs to be implemented through a combination of vacancy control and anticipated retirement incentive.
- \$2.4 million for the annualization of contractual security enhancements approved in the current year and for collective bargaining changes that will take effect in the coming year.
- \$1.6 million for costs associated with Drug Treatment Court Program funding for both personnel and contractual services.
- \$2.0 million for Law Guardian Program increases including Legal Aid contracts (\$1.6 million) and Law Guardian vouchers (\$.4 million) to address increases in law guardian assignments and contractual obligations.
- \$0.7 million associated with lease costs including new space in lower Manhattan due to the destruction of the Court of Claims World Trade Center offices and courtrooms.
- \$-4 million reduction attributable to the transfer of Information Technology funding to the Judiciary Data Processing Offset Fund.
- \$.1 million for jury initiatives.
- \$-1.8 million reduction in equipment, eliminating virtually all equipment funding for fiscal 2002-03.
- \$-4.1 million reduction in all general nonpersonal service categories including legal reference, Judicial Hearing Officers and jury per diems.

The Judiciary General Fund - Court and Agency Operations Budget includes \$3.2 million for resource requests beyond the baseline budget for the Judiciary Security Initiative and for the City Court Structure and Operations enhancement legislation.

**Additional Security Personnel:** Funds for 104 new personnel (\$1.1 million) and enhanced contractual services (\$.6 million) related to the court system's security initiative; \$1.7 million

**City Court Resources:** Funds for vitally needed city court resources to address workload growth including funds for an increase to the city court judicial and nonjudicial complement and judicial salary adjustments in certain cities; \$1.5 million



***THE JUDICIARY BUDGET - 2002-2003***

The following is a summary of the 2002-2003 fiscal requirements of the Judiciary including the legislative appropriation bill and financial plan in support of the budget proposals.

# JUDICIARY

**UNIFIED COURT SYSTEM  
2002-03 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
MAJOR PURPOSE/FUND SUMMARY  
(dollars)**

<b>Category/Fund/Major Purpose</b>	<b>2001-2002 Available</b>	<b>2002-2003 Requested</b>	<b>Change</b>
<b><u>Court and Agency Operations:</u></b>			
Courts of Original Jurisdiction	1,112,107,430	1,158,127,953	46,020,523
Court of Appeals	12,725,244	13,138,335	413,091
Appellate Court Operations	56,399,653	58,407,721	2,008,068
Appellate Auxiliary Operations	72,790,540	75,871,772	3,081,232
Administration and General Support	18,412,477	19,063,271	650,794
Judiciary Wide Maintenance Undistributed	7,762,685	968,231	(6,794,454)
<b>Court and Agency Operations – General Fund – Total</b>	<b>1,280,198,029</b>	<b>1,325,577,283</b>	<b>45,379,254</b>
<b><u>Special Revenue Fund-Federal</u></b>			
Miscellaneous Federal Grants	4,000,000	4,000,000	0
<b><u>Special Revenue Fund-Other</u></b>			
New York City County Clerks Offset Fund	16,906,225	17,778,921	872,696
Data Processing Offset Fund	10,243,971	15,817,362	5,573,391
Miscellaneous Special Revenue Grants	2,000,000	6,250,000	4,250,000
Attorney Licensing Fund	18,596,815	18,870,575	273,760
Court Facilities Incentive Aid Fund	2,405,105	2,420,203	15,098
<b>Court and Agency – All Funds – Total</b>	<b>1,334,350,145</b>	<b>1,390,714,344</b>	<b>56,364,199</b>
<b><u>General State Charges</u></b>			
General Fund	211,788,132	244,698,811	32,910,679
Lawyer's Fund-Client Protection	98,000	98,000	0
Attorney Licensing Fund	2,086,627	2,410,054	323,427
Court Facilities Incentive Aid Fund	214,514	247,764	33,250
Data Processing Offset Fund	1,794,108	2,072,195	278,087
New York City County Clerks Offset Fund	2,554,654	2,950,625	395,971
<b>General State Charges – All Funds – Total</b>	<b>218,536,035</b>	<b>252,477,449</b>	<b>33,941,414</b>
<b><u>Lawyer's Fund-Client Protection</u></b>			
Lawyer's Fund Client Protection	8,988,637	9,770,949	782,312
<b>Lawyer's Fund – All Funds – Total</b>	<b>8,988,637</b>	<b>9,770,949</b>	<b>782,312</b>
<b><u>Aid to Localities</u></b>			
General Fund-Courts of Original Jurisdiction	500,000	500,000	0
Court Facilities Incentive Aid Fund	84,768,898	84,779,000	10,102
<b>Aid to Localities – All Funds – Total</b>	<b>85,268,898</b>	<b>85,279,000</b>	<b>10,102</b>
<b><u>Capital Projects</u></b>			
	35,825,000	0	(35,825,000)
<b>Capital Construction – All Funds – Total</b>	<b>35,825,000</b>	<b>0</b>	<b>(35,825,000)</b>

**UNIFIED COURT SYSTEM  
2002-03 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
(FUND DETAIL)  
(dollars)**

<b>Category/Fund/Major Purpose</b>	<b>2001-2002 Available</b>	<b>2002-2003 Requested</b>	<b>Change</b>
<b><u>Court and Agency Operations:</u></b>			
<b><u>Courts of Original Jurisdiction</u></b>			
General Fund	1,112,107,430	1,158,127,953	46,020,523
Special Revenue Funds	33,581,122	44,383,630	10,802,508
<b>Total – All Funds</b>	<b>1,145,688,552</b>	<b>1,202,511,583</b>	<b>56,823,031</b>
<b><u>Court of Appeals</u></b>			
General Fund	12,725,244	13,138,335	413,091
Special Revenue Funds	0	0	0
<b>Total – All Funds</b>	<b>12,725,244</b>	<b>13,138,335</b>	<b>413,091</b>
<b><u>Appellate Court Operations</u></b>			
General Fund	56,399,653	58,407,721	2,008,068
Special Revenue Funds	0	0	0
<b>Total – All Funds</b>	<b>56,399,653</b>	<b>58,407,721</b>	<b>2,008,068</b>
<b><u>Appellate Auxiliary Operations</u></b>			
General Fund	72,790,540	75,871,772	3,081,232
Special Revenue Funds	15,662,359	16,482,737	820,378
<b>Total – All Funds</b>	<b>88,452,899</b>	<b>92,354,509</b>	<b>3,901,610</b>
<b><u>Administration and General Support</u></b>			
General Fund	18,412,477	19,063,271	650,794
Special Revenue Funds	2,741,318	2,954,224	212,906
<b>Total – All Funds</b>	<b>21,153,795</b>	<b>22,017,495</b>	<b>863,700</b>
<b><u>Judiciary Wide Maintenance Undistributed</u></b>			
General Fund	7,762,685	968,231	(6,794,454)
Special Revenue Funds	2,167,317	1,316,470	(850,847)
<b>Total – All Funds</b>	<b>9,930,002</b>	<b>2,284,701</b>	<b>(7,645,301)</b>
<b><u>Court and Agency Operations – Total</u></b>			
General Fund	1,280,198,029	1,325,577,283	45,379,254
Special Revenue Funds	54,152,116	65,137,061	10,984,945
<b>Total – All Funds</b>	<b>1,334,350,145</b>	<b>1,390,714,344</b>	<b>56,364,199</b>
<b><u>General State Charges</u></b>			
<b><u>Employee Fringe Benefits</u></b>			
General Fund	211,788,132	244,698,811	32,910,679
Special Revenue Funds	6,747,903	7,778,638	1,030,735
<b>Total – All Funds</b>	<b>218,536,035</b>	<b>252,477,449</b>	<b>33,941,414</b>
<b><u>Lawyer's Fund for Client Protection</u></b>			
General Fund	0	0	0
Special Revenue Funds	8,988,637	9,770,949	782,312
<b>Total – All Funds</b>	<b>8,988,637</b>	<b>9,770,949</b>	<b>782,312</b>
<b><u>Aid to Localities</u></b>			
General Funds	500,000	500,000	0
Special Revenue Funds	84,768,898	84,779,000	10,102
<b>Total – All Funds</b>	<b>85,268,898</b>	<b>85,279,000</b>	<b>10,102</b>
<b><u>Capital Projects</u></b>			
General Fund	35,825,000	0	(35,825,000)
Special Revenue Funds	0	0	0
<b>Total – All Funds</b>	<b>35,825,000</b>	<b>0</b>	<b>(35,825,000)</b>

# JUDICIARY

UNIFIED COURT SYSTEM  
2002-03 BUDGET REQUEST  
ALL FUNDS DISBURSEMENT REQUIREMENTS  
(millions of dollars)

Category / Fund	2001-2002 Projected	2002-2003 Projected	Change
<b><u>Court and Agency Operations:</u></b>			
<i>General Fund</i>	1,267.1	1,305.1	38.0
<b><u>Special Revenue Funds-Federal</u></b>			
Miscellaneous Federal Grants	4.9	3.2	(1.7)
<b><u>Special Revenue Funds-Other</u></b>			
NYC County Clerks' Operations Offset Fund	17.0	17.0	0.0
Judiciary Data Processing Offset Fund	10.1	14.3	4.2
Miscellaneous Special Revenue	20.3	23.6	3.3
Court Facilities Incentive Aid Fund	1.6	1.7	0.1
<b><i>Court and Agency Operations – All Funds Total</i></b>	<b>1,321.0</b>	<b>1,364.8</b>	<b>43.8</b>
<b><u>General State Charges</u></b>			
General Fund	209.0	241.6	32.6
Lawyers' Fund for Client Protection	0.1	0.1	0.0
Miscellaneous Special Revenue	2.1	2.4	0.3
Court Facilities Incentive Aid Fund	0.2	0.2	0.0
Judiciary Data Processing Offset Fund	1.2	2.1	0.8
NYC County Clerks' Operations Offset Fund	2.6	3.0	0.4
<b><i>General State Charges – All Funds Total</i></b>	<b>215.2</b>	<b>249.3</b>	<b>34.1</b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
Lawyers' Fund for Client Protection	7.6	10.3	2.7
<b><i>Lawyers' Fund for Client Protection – Total</i></b>	<b>7.6</b>	<b>10.3</b>	<b>2.7</b>
<b><u>Aid to Localities</u></b>			
General Fund - Courts of Original Jurisdiction	0.8	0.5	(0.3)
Court Facilities Incentive Aid Fund	96.5	85.7	(10.7)
<b><i>Aid to Localities – All Funds Total</i></b>	<b>97.2</b>	<b>86.2</b>	<b>(11.0)</b>
<b><u>Capital Projects</u></b>			
Courthouse Improvements	5.0	20.8	15.9
<b><i>Capital Construction – All Funds Total</i></b>	<b>5.0</b>	<b>20.8</b>	<b>15.9</b>