

THE NEW YORK CITY BAR ASSOCIATION TASK FORCE ON TOWN AND VILLAGE COURTS

Recommendations Relating to Assisting Town and Village Justices

Based on interviews, discussions, testimony in public proceedings and research, as well as the experience of the Task Force members, the Task Force recommends that the Office of Court Administration (“OCA”) make available to town and village justices an adequate number of lawyers to aid the justices in conducting the research and analysis needed to resolve the substantive, procedural, and judicial-conduct issues that arise in cases over which they preside. The justices should also be assisted by experts in court and fiscal management to enable the justices to fulfill the responsibilities imposed upon them by law.

The system of using lawyers, law secretaries, to assist state-paid judges, all of whom are themselves lawyers, provides a model for assisting the town and village justices. In the state system, a lawyer assists a particular judge, or a pool of lawyers assist several judges. An analogous arrangement, the Resource Center (“Center”), is already in place for both lawyer and non-lawyer justices of the Town and Village Courts and lawyer-judges of the City Courts. However, the Center is not funded sufficiently to provide assistance comparable to that made available to state-paid judges through law secretaries.

The recommendations of the Task Force relate to the enhancement and modification of the Center to enable it to provide essential services for both lawyer and non-lawyer justices. The Center must have a sufficient number of lawyers and other staff to provide requested assistance and to enhance the confidence of the justices in the Center’s work, while making clear to the justices that they are the responsible decision-makers.

Like the previous report on technology issued by the Task Force, this report does not preclude further investigation by the Task Force and recommendations for structural or organizational changes in the Town and Village Courts. The Task Force does not view the extensive and costly network of lawyers and other people needed to assist the justices and their court clerks as a substitute for changes in the structure, jurisdiction, or funding sources of the justice courts if such changes are shown to be needed after our study is completed. It is the Task Force’s hope that the proposals in this report will be viewed as essential for making immediate improvements in the justice court system, but that no assumption will be made that these recommendations are all that is requested in the long run.

Recommendation 1

The Task Force recommends that the State, through the Office of Court Administration, fully fund a sufficiently large staff of lawyers:

to respond promptly to town and village justices’ inquiries about the law and the governing rules of judicial conduct;

to provide assistance for the evening and night-court sessions held in most Town and Village Courts, as well as for night-time arraignments and bail decisions; and

to prepare and distribute regularly updates to relevant laws, regulations, and new case law.

Recommendation 2

The Task Force recommends that the State, through the Office of Court Administration, fund a staff knowledgeable in court and fiscal management to assist the justices in carrying out their responsibilities as record keepers, finance officers, and administrators of their courts.

Recommendation 3

The Task Force recommends that The New York City Bar Association, working with other bar associations and entities as appropriate, identify lawyers who are qualified to assist in answering questions about the law and prepare a list of those who, until the Center is fully staffed, would be available to answer inquiries from Center lawyers that originate with the Town and Village Justices. The names of the lawyers contacted and other information would be disclosed as required by the relevant Ethics Canon to the parties in the cases in which the information is used.

Recommendation 4

The Task Force recommends that OCA undertake a project of statewide publicity about the Center, encouraging the justices to call the Center for assistance, while emphasizing that the decisions made remain are the responsibility of the justices.

Recommendation 5

The Task Force recommends the establishment of regional offices, especially in areas where the justices are not lawyers; on-site assistance when dealing with difficult cases or issues; small group training sessions; and other face-to-face contacts between Center staff and the justices and court clerks.

Recommendation 6

The Task Force recommends that the Center continue its work even if all the town and village justices are required to be lawyers because town and village justices, like judges of other courts, need such assistance.

Discussion

Recommendation 1

The Task Force recommends that the State, through the Office of Court Administration, fully fund a sufficiently large staff of lawyers:

