

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

Recommendations Relating to Training for Town and Village Justices and Court Clerks

The New York City Bar Association Task Force, established to study the system of Town and Village Courts and to make recommendations with respect to those Courts, recommends substantial changes in the training of the justices and the clerks of those courts. The Task Force shares a commitment to the improvement of the training and education of town and village justices with the Office of Court Administration, the members of the Bar of this State, and, of course, the New York City Bar Association. Through their answers to questionnaires the Task Force prepared and distributed, many of the town and village justices and the clerks of the town and village courts have told us that they share an interest in, and desire for, improved training and education.

The jurisdiction of the Town and Village Courts, while limited, remains extensive and affects the rights and the lives of the litigants before those courts. Despite the impact of the decisions of the Town and Village Courts, the justices need not be lawyers to preside over the cases; the justices can earn their livelihood in any occupation and, indeed, 72% of the over 2,000 justices are not lawyers. Up to now, only minimal training, measured by time and depth of study of the subject matter, was required before justices were authorized to preside over cases. More advanced training for the justices was similarly of short duration and often without scope and depth.

Concern about the training and education of the justices led to the Office of Court Administration's ("OCA") Action Plan (the "Action Plan") for providing enhanced and more extensive training for the justices and court clerks. As suggested by the Action Plan at page 49, the "OCA will work with the organized bar to channel their generous assistance in helping prepare and implement [the] new curriculum." The City Bar recommends that its resources — its lawyer-members — be part of the preparation and presentation of the education and training programs.

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 development of extensive training programs particularized for the justices and court clerks as a substitute for changes in structure, jurisdiction, or funding source if such changes are shown to be needed after our study is complete. It is the Task Force's hope that these proposals 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 required for the long run.

Recommendation 1

The Task Force recommends that the New York City Bar Association, working with other bar associations and entities as appropriate, establish a committee to identify volunteer lawyers to work with the New York State Judicial Institute to prepare and present courses of study for basic and advanced programs for Town and Village Justices.

Recommendation 2

The Task Force recommends that the New York State Judicial Institute establish a collaborative program for Town and Village Justices and the clerks of the courts with the Office of Court Administration, Office of the State Comptroller, The Division of Criminal Justice Services and other agencies for training on court administration and fiscal responsibility and accountability.

Recommendation 3

The Task Force recommends that the members of any advisory committee established to plan and monitor the training programs for the town and village justices should be manifestly neutral about the issues before the Town and Village Courts, and do not, by reason of employment or association, have an interest in the outcome of cases before the Town and Village Courts; alternatively, the membership of the Committee should reflect the perspectives of all the litigants before those courts and not, as proposed, only governmental or prosecutorial interests.

Discussion

1. Background: The Training Requirement for Town and Village Justices

The New York Constitution, Article VI, section 20(c), states that the Legislature shall require a course of training and education to be completed by the justices of the Town and Village Courts who have not been admitted to practice law in this state.

The Uniform Justice Court Act, section 105, requires that, prior to assuming the powers of judicial office, non-lawyer justices file with a clerk of the municipality a certificate of completion of a prescribed course in judicial education and training. The municipality in which the justice shall serve is charged with the necessary costs of the training.

The Rules of the Chief Judge, 22 NYCRR section 17.02, require training programs for town and village justices be held at least three times a year consisting of basic and advanced courses. Non-lawyer justices must complete the basic course at the first available time after election or appointment and receive a certificate which is valid until the next advanced course is given.

Pursuant to these mandates, OCA has conducted basic training on three successive Fridays and Saturdays totaling six days. Topics in the basic program have included introduction to law, bibliography and legal research, principles of substantive criminal law, basic criminal

