

**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

procedure, youthful and juvenile offenders, vehicle and traffic matters, unauthorized use of an automobile and DWI, search warrants, criminal motions and hearings, domestic violence, evidence, principles of substantive civil law, basic civil procedure, small claims, summary proceedings, contempt and appeals, dangerous dogs, cruelty to animals, environmental conservation laws, sentencing, negotiated pleas and ACDs, judicial ethics, court records, sealed records, access to records, trial procedures, conducting marriages, providing notary services, and record keeping including records for Vehicle and Traffic and criminal cases and fiscal matters. After the justices completed the course, certificates were issued and they were then able to preside over cases.

Thereafter, the justices took an advanced course to receive a certificate of completion. In each year thereafter, to maintain certification, the justices attended advanced courses totaling 12 hours. Those justices who were lawyers were required to attend the first available advanced course after election or appointment and then an annual advanced course.

It was OCA's practice to have the advanced courses taught numerous times throughout the state in two segments, each lasting one day. (See Document prepared by OCA.) In 2006, Part I was taught 31 times at different locations and Part II was taught 30 times at various locations. Part I was concerned with judicial ethics, overview of a civil case, overview of a criminal case, civil and criminal appeals, and domestic violence. Part II included a further study of ethics and ex parte communications, commercial DWI, pre-trial discovery, common problems in vehicle and traffic cases, orders of protection, and re-sentencing. The sessions for 2007 varied from those given in 2006 and included evidence, assignment of counsel, pretrial hearings, subpoenas, dealing with the media, and financial accountability.

Elective credits equivalent to advanced credits were often available by attending training programs sponsored by County Magistrates Associations through OCA. The topics were chosen by the Association which then transmitted the request to OCA in the form of a request for certification credits. The programs were conducted by Resource Center attorneys, other justices who were experts in the requested subject, judges from the city and county courts, or other officials including probation officers.

## 2. The Reaction to the Training Efforts

Interviews and responses to questionnaires distributed by the Task Force reflect the almost unanimous view that the training and education program used until now is deficient and that the justices do not have adequate knowledge about most of the relevant laws, constitutional guarantees, and legal procedures, including substantive law, pretrial and trial procedures, ethics rules, administrative functions, fiscal responsibilities, rules of evidence and presumptions. In interviews with both defense counsel and prosecutors, they have reported that there are more than occasional instances when non-lawyer justices do not understand legal issues, do not promptly schedule cases for trial, engage in ex parte communications for arranging guilty pleas or affecting litigation positions, do not provide the paperwork needed when a case is resolved, render decisions ignoring the relevant legal principles (one example of recent vintage was consideration of the defendant's ability to make restitution in deciding whether the defendant had been proven guilty), fail to make a record of the reasons for a decision, fail to take a full plea allocation including elements of the crime, and fail to advise the defendant of the consequences

of a plea. Lawyers in civil cases in their public testimony at legislative hearings have noted predispositions on the part of some justices in landlord-tenant cases and in domestic violence cases.

It was the almost universal opinion of the lawyers who appear in the justice courts that many justices, both non-lawyer and lawyer, lack familiarity with the rules of evidence. Further, they do not particularize jury charges relying on the form instructions. They share an effort to avoid trials. Counsel also note the lack of preparation by some of the justices for court proceedings because the justices are part-time officials with other obligations, whether as lawyers or in other employment of every kind except active law enforcement officials.

As noted in the Task Force Recommendations for Assisting Town and Village Justices, in responses to questionnaires, the justices themselves stated their lack of knowledge of the law and of ethics principles, and requested additional training and assistance, including the use of mentors.

The Office of the State Comptroller, in its various reports and audits, also has expressed the view that the justices' knowledge of their record keeping and financial obligations must be improved. See Justice Courts Accountability and Internal Control Systems, 2005-MR-10 (2006); Opportunities for Town and Village Justice Court Consolidation, 2003-MR-4 (2003). To aid in this endeavor, the Comptroller has set up a separate unit for Town and Village Courts, the Justice Court Fund. The Fund has prepared the Handbook for Town and Village Justices and Court Clerks (2006) to explain how the courts should be administered and fiscal obligations fulfilled.

### 3. The OCA Action Plan and Classes

In November 2006, in the Action Plan, OCA recognized that the training as established was inadequate for non-lawyer judges and that major changes in the training program would be needed. Further, the OCA explained that the need for additional training is highlighted by the increasing complexity of the law that the justices were required to administer. As the Action Plan states:

There is simply too much for non-attorney justices to learn — civil procedure, criminal procedure, substantive criminal law, the U.S. and New York State constitutional law of search and seizure, the U.S. and New York State constitutional law of right to counsel, admission of evidence, constitutional and statutory jury selection procedures, burdens of proof, criminal sentencing, proper interaction with law enforcement and State agencies, indigency screening for appointed counsel, information technology, judicial ethics, court administration, the sociology and penology of addiction and abuse, as well as a panoply of other cutting-edge topical issues of law and justice — for a single week of basic training to suffice, if it ever could.

Action Plan at 44.

The Action Plan, at page 43, explains that, whatever the original motivation and current merit of the foregoing system may have been, the “legal universe” has changed so markedly in the last 40 years that the current system cannot exist unaltered if New Yorkers are to have a uniform standard of justice throughout the court system.

To foster a uniform system of justice, the Action Plan, at page 44, proposes to increase the resources and high tech equipment for training, to use advanced teaching methods, to have the justices spend more time preparing for their duties, and to provide more training for court staff. Concluding that the one week of basic training was inadequate, the Action Plan outlines the new training program, alternating home/self study with classes.

The program begins with a three-week self-study period using the Internet and written materials to familiarize the justices with legal terminology, legal principles including burdens of proof and presumptions, steps in civil and criminal cases, and constitutional rights. It is expected that 15-20 hours per week will be used for study. In this period, contact with educators over the Internet will be available for answering questions.

According to the Action Plan, the three-week study period will be followed by one week of class room study, resembling the old two day sessions, about substantive law, procedure, court administration and financial control.

Next, the Action Plan provides for an additional two-week period of home study in which the justices will become familiar with information sources, information technology, resources to enable contact with other government agencies including the Comptroller’s Office, reading case studies and making “factual and legal connections.”

Finally, the Action Plan envisions for the basic program a second week of classes for discussion and experiential learning. After each classroom session, a test of the justices will be administered.

A compulsory one week program also will be designed for newly elected justices who are lawyers.

Changes also are proposed for the advanced program of studies. See Action Plan at 48. The programs will be directed to two levels of knowledge and will be simulcast over the Internet allowing for interaction between the instructor and the justices watching the program. Also planned are Internet-based discussion groups with other justices and Resource Center lawyers. Issues and questions that repeatedly arise will be incorporated into regular quarterly study sessions.

Two specific substantive topics are designated by the Action Plan for study. The first is the law relating to indigent defense with particular emphasis on safeguarding the right to assignment of counsel. See Action Plan at page 29-31. The second is the law relating to the Americans with Disabilities Act. See Action Plan at page 32.

4. The Action Plan and the Permanent Committee

The Action Plan states that the educational program will “depend” on the active engagement of justices, law enforcement personnel, the Office of the State Comptroller and other state agencies with direct stakes in Justice Court operations. To manage this new program, the Action Plan envisions a Permanent Committee on Justice Court Education and Training. The members of this Committee are to be from the Magistrates Association, the New York State Association of Towns, The New York State Conference of Mayors, the Office of Court Administration, and the Office of the State Comptroller, as well as experts in adult education and testing. “The Committee will confer with these constituencies, as well as with the New York State Judicial Institute, National Center for State Courts,” and other states training non-lawyer justices. The Committee will develop the materials for the program, prepare the examinations, and monitor the effectiveness of the programs. See Action Plan at 48-49. There is no provision in the Action Plan for membership on the committee by those representing criminal defendants, tenants, parties in matrimonial cases, victims of domestic violence, debtors in contract cases, or any litigant but government agencies.

5. The Action Plan and the Organized Bar

The Action Plan anticipates help from the organized Bar to help prepare and implement the new program. The Plan sees members of the Bar serving as instructors in both the basic and advanced programs and as participants in long distance education. See Action Plan at 49.

6. The Action Plan and Training in Ethics

The Action Report notes that training in ethics rules will be conducted by members of the New York State Advisory Committee on Judicial Ethics. These programs will be developed in accord with the Permanent Committee on Justice Court Education and Training “to ensure complementary curricula.”

7. The Action Plan and Training in Financial Management and Court Administration

The Action Plan, at pages 34-39, explains at length the complicated procedures for meeting the fiscal obligations of the town and village justices and of the court clerks. It also points to the confusing supervisory roles over the fiscal management of the courts by local governments and the Office of the State Comptroller. There is little reference in the Action Plan to the many record-keeping responsibilities of the Town and Village Courts.

## **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 lawyers who will work with the Judicial Institute to prepare and present courses of study for basic and advanced programs for Justice Court training.**

Members of the Task Force met with the New York State Judicial Institute (the "JI") Dean and the Associate Dean in charge of Justice Court training. The JI will be executing the Action Plan initiatives for the training of the town and village justices and court clerks. The plan for training has four components: in-person training, interactive distance learning via the Internet, videotapes and DVDs, and bench books and guides.

The in-person training will be the presentations by attorneys and other instructors to classes of justices held at various locations throughout the state with related written materials and, where appropriate, power point presentations.

The programs for distance learning through the Internet are planned to be interactive, based on the "lunch and learn model" now used to train all state-paid judges. These are generally hour-long presentations on a specific topic using technology that allows interaction between the speaker and the audience in a local courthouse or other facility. Written materials for use in conjunction with the presentation would be prepared. The presentations would be recorded for later use although obviously those who use the tape could not partake in the interchange.

Specially-prepared videotaped materials on specific subjects also would be prepared and available for loan. These would ideally include scenarios displaying the application of the legal principles. These materials would be archived and catalogued (as would other preserved presentations) to be available on loan to the justices. The videotaped version could be made available on computer and the JI website, and by DVD. Finally, guide books and manuals would be prepared for general distribution on needed topics.

The JI has the technical equipment and technologically-skilled personnel to prepare the material for printing, presentation, and distribution. To enable long distance learning, the OCA is conducting a survey of each court to determine what equipment and access is available and what must be done to provide speedy access.

The Dean and Associate Dean of the JI will undertake total revision of current programming by the fall of 2007. They have asked the New York City Bar Association to identify lawyers with knowledge of specific and relevant areas of the law who will prepare and give presentations, write materials, and direct scenarios displaying court procedures. The subjects to be included in the training will be identified by the JI after an appraisal of the cases pending in the courts and the needs of the justices.

According to the JI, what is critical for the project is that those who make presentations be capable of teaching an audience of non-lawyers whose education ranges from high school graduates to those with graduate degrees. The JI notes there is need to be sensitive to the fact that most of those in the program are non-lawyers who need a clear presentation of the law. These

programs are not CLE credit level, but focused on basic explanation of the principles, statutes, rules etc. which will play a role in Town and Village Court administration of justice.

Some of the classes will be held in the northern and western parts of the state and volunteers will be asked to undertake such travel. Volunteer attorneys who teach or prepare materials will receive some payment, reimbursement of expenses, and CLE credit.

The opportunity to work with the JI in creating an effective educational program for Town and Village Justices is consistent with the goals of the City Bar Association and an opportunity to promote uniformly available justice throughout the State. The training, along with other assistance for the justices discussed in other of the Task Force papers, is essential and required if no changes are made to the structure of the Town and Village Court system. It also is essential if changes are forthcoming because it is likely that those changes will take time to effectuate and delay in improving the justice court system is not a permissible option. The Task Force recommends that the City Bar establish a structure for contacting the Dean and Associate Dean of the JI, for recruiting and identifying faculty for the education program, and coordinating with the JI for scheduling, preparation of materials and other matters that arise.

## **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.**

The Action Plan refers to the complex fiscal responsibilities of the Town and Village Courts. These responsibilities fall upon the justice and the court clerk, if there is one. Record keeping and safeguarding money are daily burdens; reports must be filed with the Comptroller's office monthly and with other agencies as required.

In addition to keeping financial records, the Town and Justice Courts are charged with keeping records of case intake, information about the case, dispositions, transfers, bail, probation proceedings, restitution ordered, orders of protection, orders to show cause, stays of eviction and judgments. See 22 NYCRR section 200.23. The State Comptroller's Office explains "Justices are not only responsible for adjudicating cases brought before them, they also are responsible for the accounting and reporting of all related Court financial activities. It is the Justices' responsibility to maintain complete, accurate and timely accounting records; reconcile cash activity, deposit cash in a timely manner; and report Court activity accurately and in a timely manner. Every Justice is required to maintain suitable books, records, case files, and all related papers and information." (Justice Courts Accountability and Internal Control Systems at 10 (2005-MR-10 Office of the State Comptroller).)

Our interviews reveal that records are prepared for Division of Criminal Justice Services, the police, the Comptroller, OCA, probation, local government, and the Department of Motor Vehicles. The Comptroller's Handbook for Town and Village Justices and Court Clerks is a quite clear demonstration of the complexity of the required record keeping.



The Spangenberg Report for the Chief Judge's Commission on the Future of Indigent Defense at page 110 (June 16, 2006) and the Office of the State Comptroller ( 2005-MR-10 at 10) both have concluded that there are defects in recordkeeping. Our own interviews revealed that case record keeping is often inaccurate, that the crimes of conviction sometimes have been inaccurately stated, that dispositions are not properly recorded and that there is no centralized source for Town and Village Court statistics for evaluating the work of the courts.

The State Comptroller has recommended that justices and court clerks receive training in court record keeping requirements. 2005-MR-10 at 14, 19-20. The Task Force supports that recommendation as critical to the functioning of the Town and Village Courts as well as to the ability to maintain a system that can provide fair and accurate proceedings to litigants.

### **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.**

The Action Plan includes establishment of a Permanent Committee On Justice Court Education and Training (the "Permanent Committee"). The Action Plan surprisingly includes the following explanation of the Permanent Committee: "The foregoing reforms of the basic and advanced training programs will depend on the active engagement of the justices, law enforcement personnel, the State Comptroller's Office and other State agencies with direct stakes in Justice Court operations." To that end, the Action Plan states that members of the Committee will include representatives from the Association of Towns and the New York State Conference of Mayors. There is no suggestion in the Action Plan that the criminal defense lawyers, legal services lawyers, public interest lawyers, attorneys for the victims of domestic abuse, or attorneys for tenants be included as members of the Permanent Committee.

The reliance by the Action Plan on those who are litigants or parties interested in matters before the Town and Village Courts to plan, execute, and monitor the training and education program for the justices is a conflict of interest and presents a challenge to the independence of the judiciary. Although the Task Force doubts that the Action Plan intended these consequences, the proposal is clear and creates, at a minimum, a misapprehension of the purpose of the Justice Courts and how the justices of those courts should be trained to assume their responsibilities.

It is clear from the website ([www.nytowns.org](http://www.nytowns.org)) of the Association of Towns (the "Association"), which the Action Plan states will provide a member of the Permanent Committee, that the Association is a private association, the purpose of which is to advocate for the State's 932 towns. The function of the Association is to render services to towns: "The Association serves town governments by providing training programs, research and informational services, technical assistance, legal services, computer programs, insurance

programs and a variety of publications to member towns.” It provides advocacy in Albany, monitors legislation and regulation, lobbies and presents initiatives “solely on behalf of towns.”

The primary interest of the Association is to protect the town budget from additional expenses and enable it to increase revenues. This is manifest from its written submission on Justice Courts to the New York State Senate Standing Committee on the Judiciary on January 29, 2007. The primary concern of the Association was that it not have to use any of the municipality’s money for increased education and training of justices; training was good, but the State had to pay the cost which should not become a town burden. The Association’s submission complained that its income from the justice courts had not been increased and that the State had sought to “capture” those vehicle and traffic fines for itself.

The Association’s further concern in its submission to the legislative committee was the cost of prosecuting Vehicle and Traffic cases after the State Police banned, on constitutional grounds, prosecution of those cases by the arresting trooper or other officer. Our interviews and the Spangenberg report, cited above, show that, in part, the financial concern of the Association is the loss of revenue to the town if a speeding charge is not reduced by the prosecutor, now the district attorney, to a lesser charge: the receipts from speeding cases go to the State, but the receipts from a lesser charge go to the town treasury. The Association thus has an interest in the way certain vehicle and traffic cases are resolved.

The Association represents not the judiciary, but the whole government of the town, circumstances that create, at a minimum, an appearance of conflict precluding the Association from membership on the Permanent Committee. Further, although the Action Plan does not suggest that someone from a town government sit on the Permanent Committee, the Association has as its members town attorneys who represent towns in litigation before the town justices and who advise town executives and legislatures. For example, the website for the Town of Ossining Justice Court ([www.townofossining.com](http://www.townofossining.com)) explains that the Deputy Town Attorney prosecutes in Town Court environmental-conservation violations, parking violations and violations of the Town General Code. Another example: the Town of Ramapo website ([www.ramapo.org](http://www.ramapo.org)) describes the role of the town attorney as initiating lawsuits on behalf of the town and defending the town in all courts, including the town court, and to prosecute violations of town laws and vehicle and traffic cases.

Similar conflicts arise if The Conference of Mayors (the “Conference”) has a member on the Permanent Committee. The Conference is actually of Mayors and Municipal Officials “of and for cities and villages in New York.” Made up of 575 municipalities and 7,000 local officials, it is an advocate for city and village interests before the State legislatures and agencies. It also participates in state and federal litigation on behalf of the municipalities. See [www.nycom.org](http://www.nycom.org).

In its written submission to the New York State Assembly Committees on the Judiciary and Codes for the hearing on Justice Courts held on December 14, 2006, the Conference acknowledged that municipal officials are litigants before the Justice Courts: “[I]n many instances, justice courts offer local governments a convenient, cost-effective means of dealing with local traffic, parking, zoning, building, property maintenance, and criminal matters. Without village courts, many village governments would incur substantial costs in providing for their

offices and employees to travel to courts not located in the village.” Because the Conference and its members are litigants in the Justice Courts, the Conference should not sit on a committee planning, executing and monitoring justice training.

In its submission to the Assembly committees, the Conference reveals its misunderstanding of the principle of an independent judiciary and the conflict of interest if it were to have a representative on the Permanent Committee. The Conference submission complains that it was not a participant in the drafting of the Action Plan and states: “Because justice courts are funded by and receive fiscal oversight from the local governments in which they are located, and because the existence of village courts is a matter determined by village governments and their residents, this oversight was unfortunate. [The Conferences’ participation] would have helped yield a more balanced report.” The Conference position that it is entitled to a place of influence on the Permanent Committee because localities it represents are a source of funding for the Justice Courts is an intrusion of the courts’ independence and presents a conflict of interests. The principle of a judiciary independent of its funding source is a basic rule.

As noted, the Action Plan also “depends” on law enforcement officials for the training program’s planning. On its face, this is inappropriate; law enforcement agencies repeatedly appear before the justice courts and as a member of the Permanent Committee, will have influence on what is taught, who will teach, and perspective in which the subject is considered. This kind of improper influence on the justices is exactly what has resulted in criticism of the justice court system. There have been repeated assertions that justices have ex parte communications with prosecutors and police officers and the new training program and the Resource Center have, as their purpose, the elimination of such improper communications.

If, despite the conflict, law enforcement and local government officials, including those who appear before the justices, are to take places on the Permanent Committee, similar positions must be made available to criminal defense, legal services and public interest lawyers who represent clients with positions adversarial to towns, villages, and law enforcement agencies. These perspectives deserve consideration in the preparation of the justice study curriculum. Presentation to the justices of issues involved in domestic violence and landlord tenant cases were particularly raised by legal services lawyers at the hearings before the Assembly Standing Committees on the Judiciary and Codes and in our interviews. The New York State Coalition Against Domestic Violence submission noted “the collective experience of thousands of victims of domestic violence” in Justice Courts. The submission referred, among other things, to the refusal of justices to issue orders of protection. It referred to orders of protection signed against both parties, including the victimized spouse, a situation also mentioned by prosecutors in our interviews. The submission referred to orders that victims attend religious services with their abusers and the refusal to provide adequate protections and remedies. Information about equally difficult issues in eviction cases dealing with immovable “mobile” homes were included in the written submission of Empire Justice Center to the Assembly Standing Committees on the Judiciary and Codes.

The conflict is serious on another ground: under the Action Plan, the Permanent Committee is responsible for coordinating with the Committee on Judicial Ethics to prepare the ethics curriculum for the justices. It hardly need be said that litigants and people or agencies with

interests in the outcomes of cases cannot be writing the rules that affect how the outcomes will be reached.

The Task Force recommends that, if there is to be a Permanent Committee, it be composed of members who are not litigants and do not represent litigants in the Justice Courts. Clearly, no representatives from the police department or the mayor's office or the governor's office would be on the committee to plan training for state-paid judges. The membership of any oversight committee should be neutral. The only alternative is to include members who represent the positions of all the litigants before the Town and Village Courts.

Task Force on Town and Village Courts

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