

# Ulster County Shared Municipal Services Study Report on Justice Courts

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Intergovernmental Studies Program

## ***Executive Summary***

The justice court study, conducted by the Intergovernmental Studies Program (IGSP), provides a summary of justice court issues, operations, and an analysis of restructuring opportunities in Ulster County. The complex environment in which justice courts function is reviewed, as are various stakeholder perspectives. Metrics that can be used to understand justice court fiscal and administrative performance are calculated (“workload factors”), and analyzed in the context of existing justice court conditions. The report provides recommendations that range from strengthening internal oversight of the justice courts to weighing the formation of a regional criminal court.

The study is countywide in some respects, however, the more in-depth analyses focus on the 12 towns that participated in the Ulster County Shared Services Study, funded under the Shared Municipal Services Incentive program (SMSI). Profiles on participating justice courts can be found in Section 4 of this report.

IGSP used primary source qualitative and quantitative data in conducting the study. This included fiscal and caseload data from the NYS Office of the State Comptroller (OSC) and municipal governments, and interviews with local, county, and state-level stakeholders. An extensive document review was also completed. IGSP also prepared case summaries of court restructuring efforts in other areas of NYS, utilizing news reports, written accounts, and additional interviews.

### ***Findings***

IGSP found that most justice courts in Ulster County are operating at a deficit (expenditures exceed revenue), even before calculating the added costs of salary assessments, fringe benefits and county-level expenses associated with justice courts. The fiscal status of the courts was a surprise to many supervisors, and interviews showed that an information gap exists between the justice courts and governing board in most municipalities. Although the autonomy of the courts is protected with respect to judicial decision making, governing boards retain critical (statutory) oversight responsibilities that need to be duly exercised. The justice court information gap impedes “rightsizing” the courts; therefore, a chief aim of this study is to provide municipal officials with key data and metrics that permit comparison of courts and help identify opportunities for restructuring.

### ***Study Recommendations:***

- Improve the level of oversight by municipal governing boards (largely through the consideration of justice court metrics and conditions)
- Build countywide technical support for new case management tools
- Share a single justice in the smallest courts
- Share the expense of new court facilities with adjacent towns
- Merge justice courts in some adjacent towns into a regional court
- Consider creating regional criminal courts
- Seek other efficiencies: use mediators in civil cases; develop a comprehensive resource book for justices; extend the pre-screening investigation pilot program; reexamine arraignment activity

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## Overview

This report provides an assessment of the justice court environment in Ulster County, and an appraisal of the potential for service sharing and restructuring of the courts. The assessment focuses primarily on 12 municipalities participating in the study grant awarded from the New York Department of State under the Shared Municipal Services Incentive Program.

Four distinct tasks comprised the charge to the justice court team. The first task was to provide a description of the environment in which justice courts operate. Although justice courts operate in plain view of the public, knowledge of the administrative setting of the courts and the issues that affect their operations is exceedingly limited. Second, the study was expected to summarize and present pertinent court metrics. Before considering new ways to deliver services, citizens and their elected leaders need current cost and performance data about individual courts and comparable data on courts countywide. Third, the study needed to construct individual profiles of the participating justice courts specifying current conditions. Finally, the study needed to examine the potential for service sharing or restructuring among the justice courts, taking into account the fiscal concerns of the municipalities, needs of individual courts, activity levels, and other contextual factors. The study results are presented in four sections, each focused on an area of concern to the Ulster County partners.

The justice court findings integrate individual court information with data gathered from county stakeholders and key external stakeholder groups within the court system. The municipal level analysis includes caseload and financial data for each justice court, facilities information, basic operational details, and stakeholder perspectives drawn from interviews. At the county level, the study incorporates interviews with officials in the four government offices that are central to the justice court system (Offices of the District Attorney, Public Defender, Probation Department, and the Sheriff). Each unit supplied cost information related to the services they provide to the courts. From the broader network of agencies and organizations that influence justice court operations, the study team assembled documents, data, and expert opinion that help clarify the policy issues and legal context of the courts.

## Assessment Methods

To fulfill the primary project goals, the Intergovernmental Studies Program (IGSP) used primary source data for caseload analysis and fiscal summaries, performed document reviews, conducted interviews, and completed brief case studies.

**Primary source data:** The source data included budget documents provided by participants, countywide caseload data acquired from the Office of the State Comptroller, census data, legislative bills, legal memoranda, and documents that provide the statutory framework for justice courts.

**Document review:** The team reviewed justice court audits, and studies issued by the Office of Court Administration, the Office of the State Comptroller, the Special Commission on the Future of New York State Courts, the Fund for Modern Courts, the New York State Bar Association, and the New York City Bar Association.

**Interviews:** Semi-structured interviews were conducted with a total of 81 individuals, divided into three groups: interviews germane to justice court issues and conditions in Ulster County, interviews with content experts in the court system, and interviews conducted with municipal officials formerly or currently engaged in justice court restructuring across the state. Most interviews lasted about one hour in length. The primary Ulster County interviews were summarized, coded, and analyzed within occupational or interest group clusters, across municipal clusters, and within individual local governments.

The first group of interviews focused on the 12 towns who were partners in the study (although we conducted two interviews in the City of Kingston). IGSP staff attempted to interview each of the chief elected officials (supervisor or mayor), the justices, the head justice court clerk, and the chief of police (if any) in each municipality. In all, the team held interviews with a total of 40 officials and staff members in the first round of interviews, as shown in Table 1. The number of interviews conducted reflects the need to incorporate the views of stakeholders having similar positions in each municipality. A second round of interviews with counterparts from 5 non-participating Ulster County municipalities occurred in September and October. In addition, interviews with the District Attorney, the Public Defender, the Director of Probation, the Sheriff, and three executive staff from the county were conducted to understand the issues and perspectives of county participation in the justice courts.

Interviews were conducted with staff from OSC, OCA, the New York State Department of Civil Service, the New York State Magistrates Association, the New York State Defenders Association, the District Attorneys Association of New York State, the New York State Division of State Police, and the Fund for Modern Courts.

**Table 1. Interviews Conducted**

	Elected Officials	Justices	Lead Clerks	Chiefs of Police	Total Interviews
Primary Study Participants	11 (13)	16(23)	9 (12)	4 (6)	40
Selected Non-participating Municipalities	4(5)	4(10)	-	1 (3)	9
County Stakeholders	-	-	-	-	7
Agency and Organizational Stakeholders	-	-	-	-	12
Officials engaged in court restructuring elsewhere					13
<b>Total Interviews Completed</b>					<b>81</b>

**Case summaries:** IGSP staff prepared case summaries of ten justice court restructuring efforts ongoing or completed across the state based on interviews, news reports, and written accounts of the cases. Additional interviews conducted intermittently during the data gathering period as new efforts became public.

## Introduction

In the past, when local governments needed to alter public services in order to control costs and avert tax increases, justice courts were rarely among the service areas considered. The logic of this omission is fairly clear—justice courts generally work well, officials recognize that courts account for a small portion of overall costs in a municipal budget and believe that the courts cover their own costs through revenues, and the populace (including local officials) has little more than a marginal awareness of courts as a governmental and administrative entity. But all services, even those commonly insulated from public scrutiny, are likely to be examined when the fiscal climate deteriorates.

Ongoing national and global financial problems have had a marked effect on local governments—municipal revenue sources have rapidly declined along with state subsidies. At the same time, costs associated with many services continue to increase. Most municipalities are finding that it is necessary to scrutinize every area of service and expense. Where the service area is infrequently examined by municipal officials or citizens, as is true of the justice courts, the first step is to bring daylight to the operations. The first section of this study describes the justice court environment and the current climate for restructuring.

## Section I: The Justice Court Landscape

### Who Governs the Justice Courts?

Justice courts in New York State fall under the guidance of several governmental bodies, without being entirely under the control of any single one of them.<sup>a</sup> The Constitution gives the Legislature the authority to determine court procedures, jurisdiction, and responsibilities. The responsibility for funding and providing supervision of the courts falls to the municipality in which the court is located. The Office of Court Administration (OCA) advises and assists the courts but does not have funding authority or responsibility for supervision of court staff.<sup>b</sup> The Office of the State Comptroller (OSC) is responsible for oversight of justice court financial operations and for ensuring the efficient use of all public monies in the provision of court services. The Commission on Judicial Conduct reviews complaints of judicial impropriety and recommends subsequent action.<sup>c</sup>

It falls to local governing boards in towns and villages to oversee the daily operations of justice courts. Governing boards are obliged to conduct an annual audit of justice court financial records, and are expected to review caseload data, and be familiar with operational details at a level sufficient to ensure that appropriate internal controls are in place. Furthermore, according to the 2008 report of the Special Commission on the Future of New York State Courts,

“...each locality is responsible for funding its court, providing a court facility, and setting broad administrative guidelines relating to, among other topics, hours of operation, salaries, and security. Currently, there are virtually no statutory or regulatory limits on a locality’s discretion over such matters, or standards for the localities to meet.”<sup>d</sup>

OSC has found that few governing boards fully execute these responsibilities. A lack of knowledge about the correct role for governing boards to play is one common cause for failures of oversight. The correct information does not effectively reach key stakeholders even though it is readily available (see Appendix E)<sup>e</sup>. A second source of confusion is rooted in a misperception about the nature of relationships with the courts. Many officials in local government and the courts are under the impression that *any* supervision of justice court operations violates basic tenets regarding the independence of the judiciary. This perspective disregards the need for system checks in all areas of government. The operations of courts must be transparent to those entities responsible for ensuring that they remain independent of influence and operating with integrity. Municipal boards, as the primary auditors and supervisors of the justice courts, complement the oversight functions of the various state level stakeholders, agencies that in recent years have not sufficiently audited justice courts. This layered oversight helps ensure a court system that is free of corruption, and substantially insulated from special interests and political influences. We hope that one outcome of the study of justice courts in Ulster County will be a heightened awareness of actions that constitute appropriate oversight.

### **The Domain of Justice Courts**

Justice courts handle misdemeanor criminal matters, vehicle and traffic infractions, and civil cases, including small claims proceedings. Local courts are also the courts of original jurisdiction for all criminal cases, but are limited to arraignments and preliminary hearings for felony arrests. Justices and clerks interact with a number of county offices including the Sheriff, the District Attorney, the Probation Office, the Public Defender's office, and the mental health office. Justice courts also work with a substantial number of service providers and organizations in arranging evaluations, treatment programs, and other support for defendants and victims, and alternatives to incarceration.

The vast majority of cases in most justice courts statewide consist of vehicle and traffic infractions (V&T). The justice courts of Ulster County are no exception. In 2008, V&T cases accounted for an average of 85% of all cases across the county (not including the two very low volume courts in Denning and Hardenburgh). Those justice courts having portions of major thoroughfares, like the NYS Thruway, had a disproportionately higher volume of V&T cases. For example, the towns of Ulster, Lloyd, and New Paltz have considerably higher numbers of V&T cases. Municipalities with major shopping venues can have higher than average rates of petit larceny cases, and towns with large student populations, like New Paltz, have a higher proportion of misdemeanors.

The cases handled within the justice courts vary in terms of complexity and duration. Civil and criminal, cases are fewer in number, but on average absorb 2-3 times as much staff time. Criminal cases, for example, can require court interaction with each of the primary county stakeholders, and frequently include other mental health or social service department representatives. Such dynamics introduce more oral and written communication among courts and stakeholders, and involve more procedural and administrative steps. These cases may span weeks or months before a decision is rendered.

### **Justice Court Staff Responsibilities**

Justice court clerks are responsible for a set of diverse, often complex activities. They have an integral role, accepting and processing case documents, providing information to citizens, and managing court finances and reporting obligations. The clerks also schedule court sessions, coordinate arrangements with anyone

appearing in court (including pertinent local and county stakeholders), and manage and record court procedures. Court clerks staff the court offices for public access during the day, and are present at day and night court sessions. In a few jurisdictions, clerks appear with the justices for off-hour arraignments.

The core function of the justices is of course to preside over and render decisions on all cases originating in their municipality. As noted, court clerks prepare the paperwork needed for court sessions, and the records and reports that follow from each session. Accordingly, justices are present primarily for actual court sessions, but may also conduct legal research outside of court. Justices may structure their court nights as they see fit, with some reserving different court nights for different types of cases.

For felonies, local justices conduct arraignments and preliminary hearings, the latter of which may be waived upon the request of the defense. These cases are then referred to a superior court. Additionally, justices are responsible for conducting all other arraignments, many of which take place at night. Most justices will also conduct arraignments for other municipalities. Justices are allowed to conduct arraignments countywide for felony charges, and for neighboring municipalities on lesser offenses. Justices also have the power to issue bench warrants and orders of protection, and to grant motions.

### **Changes in the Justice Courts**

The justice courts in Ulster County are generally stable and reasonably uniform in their processes. In most cases, the justices we interviewed said that they had made only modest independent changes to operations in their courts. However, the courts have had to adjust considerably to changes in their communities, to new policies and statutes, and to developments in the broader court system. Justices reported that recent increases in caseloads, new administrative responsibilities and resources, and policy amendments have modified court operations. A summary of the perspectives shared across the interviews follows.

**1. Increased Caseloads and Case Activity.** According to the justices, many of their courts have experienced an increase in caseload over the last few years, with the increases largely in V&T and criminal cases. They also observed that the prosecution of criminal cases has become more complex. The justices attribute these changes to:

- **More police officers on the ground.** As police departments expand the number of officers there is a comparable increase in the number of citations and arrests.
- **Expanded deterrence programs.** Some police departments have been awarded grants to mount programs like Stop DWI and Buckle-Up New York, or have been certified to conduct inspections of large commercial rigs. Successful programs generally result in additional ticketing, and more V&T or criminal cases in the justice courts. Over time, it is hoped that the programs will result in the desired behavioral changes, and reduce violations.
- **Felony cases returning as misdemeanors.** Felonies are handled at the county level and misdemeanors are prosecuted within the local justice courts. Some justices perceive that the caseload for the District Attorney's office is so heavy that an increasing portion of the less egregious cases are reduced to misdemeanors and returned to the local courts.

- **Involvement of more agencies and organizations in court cases.** Most justices commented that the large number of organizations that can be involved in cases for the purpose of evaluation, and alternative sentencing and treatment program options requires a playbook to keep track of stakeholders. Keeping abreast of each group's terms, conditions and availability, and coordinating the participation of such groups in justice court cases adds significantly to the administrative load of the courts.

**2. New Technology and Information Management Resources.** The technology environment of the justice courts has changed rapidly in the last decade. Ultimately, most of the new technology and systems reduce the time spent in sending and receiving information, but each newly introduced information system or piece of equipment requires an initial investment of time and energy to learn system features and to work through compatibility and operational problems. The Justice Court Assistance Program (JCAP), which provides grants of up to \$30,000 to justice courts to update equipment and facilities, provides most of these resources. Some stakeholders view such support from OCA as a deterrent to justice court restructuring. However, it is not likely that these resources would have been provided by municipalities, consolidated courts or not, and these improvements are crucial to court professionalism and service quality.

- **Digital recording equipment.** All of the justice courts have been the beneficiaries of new technology resources from OCA. The agency now requires that every justice court in New York State record proceedings, including off hour arraignments, using audio recording equipment that has been provided at no cost to the courts.
- **Information systems.** All courts now use similar, relatively new information systems, including TSLED to download vehicle and traffic tickets issued by state and local police, and Sheriff's deputies. Other systems provide access to DMV data so that clerks can retrieve the driving records of offenders, and to records in the Division of Criminal Justice Services (DCJS) that hold the criminal histories of offenders. Beginning in 2010, DCJS will roll out digital fingerprint records management among policing agencies to aid in arraignments and arrests.
- **Case management system.** All Ulster County justice courts now use the SEI case management system to record case details and report monthly dispositions and collections to OSC. There are a number of problems with SEI, although the system is an improvement over hand produced reports.
- **Security equipment.** OCA has made magnetometers and security wands available to justice courts through the Justice Court Assistance Program (JCAP) grants program. The use of these tools increases safety in the courtrooms but also increases costs for security personnel to operate them. A number of courts have opted not to use these wands and detectors, citing staffing constraints.
- **Credit card payment equipment.** All justice courts in Ulster County now have credit card equipment and must accept credit cards for payment of court levied fines and fees. This new requirement has had advantages for the courts. Justices appreciate that paying fines and fees with credit cards helps some defendants immediately meet the costs of a court proceeding. For the

staff, the use of credit cards reduces the need to handle cash and checks, and provides a secondary record of case transactions.

**3. New Mandates, Policy and Statutory Changes.** Justice courts must respond to mandates from the Office of Court Administration and the Office of the State Comptroller, the Department of Motor Vehicles, the Division of Criminal Justice Services, and the NYS Legislature, most of which result in new administrative functions for the courts or additional steps in processing cases. With each new processing step, new recordskeeping requirement, or new role, the administrative tasks of the courts become somewhat more complex. By far, the most extensive impacts on justice courts have been the result of policy shifts initiated by agencies and changes to relevant statutes. Justices and police officials described recent changes that resulted in major modifications to justice court operations.

- **Increased surcharges and collections functions.** State policymakers have increased virtually all surcharges associated with cases handled in the justice courts. Justices view the surcharges, which have doubled in the past few years, as a particularly burdensome tax on citizens. The courts see many individuals dealing with financial problems that are as onerous as their legal problems. These individuals struggle to pay the steep surcharges, and justices resort to working out payment plans. Most justices are finding it necessary to reduce the fines associated with a case disposition to keep the total cost of ‘punishment’ reasonable. The situation has important implications for the revenue streams in the courts and is creating a new set of administrative functions for the courts as they track payments, update records, and send notices. Several justices and court clerks in Ulster County observed that the situation has turned them into defacto collection agencies.
- **Changes in the prosecution of vehicle and traffic tickets.** As of 2006, New York State Police policy precludes troopers from negotiating plea bargains for tickets issued for vehicle and traffic violations. This rule was established decades ago, but the agency is now strictly enforcing the ban. The stated purpose of this policy is to prevent placing troopers in the ethically compromising situation of issuing and then negotiating a ticket. The many critics of this policy believe that the State Police decision was driven by a desire to reduce overtime costs in the face of mounting budget pressures, not by ethical concerns. However, since the ban against negotiating tickets by state troopers went into effect, some local police departments have adopted (or are moving to adopt) a similar stance and no longer negotiate tickets. As described by the police chiefs, these actions are rooted in the belief that involving officers in a process to reduce ticketed offenses dilutes deterrence, and compromises public safety. Justices noted that when tickets are reduced, charged offenses disappear from the driving record interfering with the judge's ability to detect patterns of risky driver behavior.

Judges cannot negotiate a plea/reduction, and the District Attorney does not have the staff or budget to handle the prosecution of these V&T tickets. As a result, the ban on plea bargaining has had a sizable impact on justice courts. Some justices dismissed trooper-issued tickets; others persuaded officials to hire a special prosecutor or deploy the town attorney to handle these tickets. A small number of judges adopted compromise measures so that tickets are neither dismissed nor turned over to a special prosecutor, sometimes resulting in an automatic trial. In all cases where a prosecutor or town attorney is used, the costs fall to the municipality, usually at a rate of \$100-150 per hour. These expenditures add to the overall costs for the justice courts and

are viewed as a form of unfunded mandate. The change has created a fairness issue as well that is particularly troublesome to key stakeholders in the justice court system (see page 10, *Concerns of the Local Courts*). There is also a legal challenge to this policy, which may reach a state appellate court in the coming months.

- **Changes to vehicle and traffic law.** Early in 2009, the Legislature amended Vehicle and Traffic Law, section 1806, requiring justice courts to schedule motorists for a pre-trial conference as a first step in negotiating traffic tickets where the motorist has plead not guilty to the infraction. Previously, the courts could schedule motorists directly for trial. The former practice permitted motorists to make a single trip to the court, with attending counsel if desired. Under the amendment, if no agreement is reached at the pre-trial conference, a court date is then set, incurring more time and money for the defendant. This statutory change is both costly for motorists, and adds to the burdens of the court. Only a small percentage of motorists (an estimated 5-10%) plead guilty to a traffic ticket, meaning that the rest seek to negotiate in a pre-trial conference. Failing the success of negotiations, a trial follows, involving more time, more administrative steps, and an additional appearance in court. Given that vehicle and traffic tickets comprise 85% of cases in the justice courts of Ulster County, and that the median number of vehicle and traffic cases stood at 1,622 in 2008, the number of additional actions that could result from this change is striking. Some justices have attempted to deal with the potential burden by adding language to the pre-trial conference notification indicating that if no negotiated compromise is reached, the trial will occur immediately thereafter.

### Concerns of the Local Courts

The primary responsibilities of justice courts are fixed in law, but these tasks are carried out in an environment that is quite fluid, as the preceding discussion shows. There are a great many stakeholders in the justice system (state, county, municipal) making decisions to fix internal constraints and problems, and sometimes, system wide issues. Often these decisions end up passing the problem along to other agencies or units of government, or aggravating smaller matters. The justices shared a set of concerns that bear on local courts, and stem from the fluid interaction of policies and practices in the broader system.

- **Fairness issues in prosecuting vehicle and traffic cases.** A substantial portion of justice court business derives from vehicle and traffic violations. As a result of the ban on prosecuting tickets by state troopers (see above), the justices are disturbed by the inequitable treatment of motorists based on the agent issuing the ticket. In Ulster County, vehicle and traffic tickets can be written by officers from any of five different agencies or groups: state troopers, local police, the county sheriff, the Department of Environmental Conservation (DEC) and the New York City Department of Environmental Protection (NYDEP). The proportion of tickets written by any single source varies considerably across the county. As matters currently stand, a motorist wishing to challenge a ticket issued by a trooper may have to travel to court two or three times in order to complete the process, since the trooper does not appear until there is a trial. Tickets written by most of the other law enforcement agencies can be negotiated with the ticketing officer at the pre-trial conference. Motorists with trooper issued tickets, and their attorneys, generally spend more time in court and incur more expense. The inequity in the treatment of citizens with the same

infraction from the same location violates a basic principle of fairness in the view of justices. Discomfort with this situation is widespread and growing.

- **Increasing rate of charge reductions in vehicle and traffic cases.** In this matter, justices and police officials were similarly concerned. The ban issued by the state police caused a number of municipalities to hire a special prosecutor to negotiate the large volume of trooper issued traffic tickets that are challenged. For a number of reasons, one being the difficulty of negotiating without the trooper present to respond to questions, and another being the volume of cases to process, a greater proportion of tickets get reduced to lesser charges.<sup>f</sup> Justices and public safety officials are concerned about fairness issues (see preceding entry), and about deterrence. Practices that diminish the costs of breaking the law for motorists, whether calculated in terms of time or money, potentially reinforce unlawful behavior and compromise public safety.
- **Revenue implications of vehicle and traffic ticket reductions.** Many justice courts reported an increase in the number of ticket reductions since the trooper ban went into effect. When moving violations and speeding tickets are reduced to lesser charges, the fines associated with the lesser infractions accrue to the municipality, not the state. Special prosecutors or town attorneys who handle these tickets in many municipalities are employees of the towns not the judicial system. Because of this, some justices worry that special prosecutors could be subject to pressures to increase local revenues through ticket reductions. If such circumstances occurred, fairness and judicial independence would be further compromised.
- **Case complexity and judicial competence.** The issue of judicial competence, particularly as it is related to the ability of non-attorney justices to deal with complex criminal cases troubles the attorney justices interviewed. All justices agreed that excellence in judicial performance is not the sole provenance of either group, and is attributable to many things, including character and intelligence. However, a number of attorney judges shared the concern that individuals not trained in law and the methods of legal research, simply did not have the substantive knowledge or research skills necessary to inform legal reasoning and decision making. This can result in outcomes based on personality, temperament, or honest perceptions of fairness—none of which are acceptable in matters of complex law and procedure. These attorney justices and most county stakeholders felt that this was not problematic in simple vehicle and civil matters, but for more complex civil and criminal cases, strong concern was voiced. And while many decisions by lay justices involving complex cases may be appropriate, others will not be, resulting in outcome inconsistencies and inequities, even within the same county. In contrast, one individual who was critical of this view noted that a lay justice with an extensive law enforcement background may be better prepared for the role than an attorney whose legal background covered areas not commonly dealt with by the justice courts.
- **Lack of performance data.** A number of justices expressed frustration at being unable to assemble and review case data for their local court. The case management system currently in use is an improvement over manually entered and calculated records, but operating it is cumbersome and its capacities are limited. These justices would like to be able to analyze caseload data for

evidence of patterns and trends. Such information would be of value in understanding changes in the community and patterns of crime, and for budgeting and right-sizing court staff.

- ***District Attorney ADAs are spread too thin.*** Transactions between the District Attorney's office and the individual justice courts generally work well and most participants report having positive relationships. However, one problem affecting the justices with lower volume courts is having different ADAs working on criminal cases in the court, and worse, on occasion, on the same case. In the experience of this set of justices, the hand-off from one ADA to another has not been smooth. The hand-off has increased the likelihood that records are incomplete, and that the new ADA may have be unfamiliar with the case. At times, the cycle has repeated within a single case. The situation can result in delays, potentially adding costs for counsel to defendants and adding administrative chores to the courts. Most justices recognize that inadequate resources, strained by the broad coverage the District Attorney's office must provide to the justice courts, are largely responsible for the staffing inadequacies.

Taken together, the changes and issues outlined by key stakeholders contain a number of cross-cutting issues having to do with oversight, the state policy action and inaction, and unintended consequences. These issues have increased the administrative complexity of the justice courts and the costs for doing business, in direct and indirect ways. Table 2 provides a summary of these issues.

**Table 2. Cross-cutting Issues within Justice Courts**

Justice Court Issues and Themes	Theme and Issue Description
I. State Use of Justice Courts as a Revenue Base	<p>Widely held perspective that with surcharge increases and the exclusion of state trooper bargaining (and the related over-time costs), the state is seeking to maximize income while minimizing costs, increasing the revenues that accrue from justice court activity.</p> <p>Justices commented that surcharge increases have been undertaken to avoid more politically difficult increases in property and/or income taxes; these surcharges, increased virtually across the board, posed real financial hardship for defendants, and increasing workload (collection functions) for courts and their clerks.</p>
II. Unintended Consequences: Municipal and Citizen Behavior	<p>At least initially, the state may incur net fiscal losses related to the policy of not permitting state troopers to plea bargain on traffic tickets, as tickets are adjusted so that fines accrue to localities.</p> <p>Deterrent effect of fines (and insurance costs and license points that result) may be diminished as vehicle and traffic tickets are reduced to lesser charges, and public safety compromised. Also, charged offenses disappear from driving records, lessening the ability of justices to detect patterns of serious traffic violations.</p> <p>There are equity and fairness issues when equivalent tickets, prosecuted by different police agencies (town, local police, county police, DEC or DEP police), have quite divergent outcomes.</p>
III. Patchwork Policies and Resulting Gaps	<p>OCA’s JCAP has provided most courts in Ulster County with a selection of technology, equipment, and security resources, but court facilities (i.e. parking space, courtroom space, meeting space, holding areas) and security arrangements remain problematic issues. There are no state-imposed minimum standards.</p> <p>JCAP funds are limited to \$30,000 annually per municipality, and can be combined by cooperating municipalities, but are generally not sufficient for fundamental facility alterations and additions. Municipal governing boards, have not updated and improved their court facilities in the neediest areas; some municipalities have been unable to utilize JCAP security resources because they lack the staff needed to operate the equipment.</p>
IV. Lack of Oversight Across the System	<p>OCA and OSC are the state entities responsible for auditing justice court operations and finances; very few Ulster County justice courts were audited in the last several years, and the number of audits statewide has been minimal, largely due to OSC’s school district audits.</p> <p>Officials on municipal governing boards expressed both apprehension and lack of knowledge about their role as justice court overseers, deferring to justices, and maintaining minimal knowledge of court functioning (and finances). OSC justice court audits that have been done recently found a worrisome level of financial mismanagement, bringing into question annual municipal audits.</p> <p>Many justices adopt a hands-off approach to court management, relying instead on court clerks to make key operational and financial management decisions; this can lead to a lack of understanding about the internal processes of one’s own court.</p> <p>A number of justice courts have only 1 or 1.5 court clerks, making rigorous internal financial controls virtually impossible (appropriate controls call for different individuals to accept and process/record payments).</p>
V. Contradictory, Inconsistent State Law and Policy	<p>State justice court consolidation law conflicts with existing law that requires towns to have two justices, with jurisdiction only in their designated municipality (the state is currently working to correct this).</p> <p>The JCAP program, though serving a critical need, to some degree counters the state’s agenda enacted through its Shared Municipal Services Incentive program (SMSI) and Local Government Efficiency grants (LGE).</p> <p>While OCA has avoided unfunded mandates for the justice courts, such mandates emerge from other sources, including the state police.</p>

## **The Current Climate for Restructuring: Judicial System Changes and Issues**

Receptiveness to service sharing or restructuring in the justice courts shifts considerably as one moves from the broader network of court participants to the county, and to municipalities and the local courts. There is little doubt that apart from a few membership organizations, the broader court system stakeholders favor some reforms. At the county level, Ulster officials seem comfortable with restructuring where it is supported locally, especially given the financial stresses facing local governments. The participating municipalities are open to service sharing where the trade-offs make sense to constituents. The justices have a vested interest in the fate of the local courts, and were mixed in their views on the potential for restructuring the justice courts.

Local justices have been embroiled in the issue of reform and restructuring for several years. In 2006, the *New York Times* published a series of investigative articles that revealed serious problems in some justice courts, none of which were in Ulster County. The series exposed flagrant abuses of defendants' rights, and ignorance, or willful disregard, of due process matters. The articles appeared at about the same time that the Dunne Commission, better known as the Special Commission on the Future of New York State Courts, was completing a study of the court system. The commission began a second focused review of the justice court system the next year. In 2008, it released its report, *Justice Most Local*. The commissioners accorded the justice court system some praise for handling a high volume of cases and operating with few resources, but it also recommended consolidation of less active courts, and more attorney justices. The commissioners also noted a number of serious problems having to do with judicial competence, lax fiscal controls, and inadequate facilities. Other influential groups, including the NYS Bar Association and the Fund for Modern Courts, endorsed sweeping changes in terms of justice court consolidation and the elimination of lay judges. As a result, many local justices, especially non-attorney justices, believe that the forces of reform are at work, and tend to interpret any inquiry about the justice courts as a prelude to dissolving the current system of courts. For some justices, the Ulster County study grant has fueled suspicions that the state is poised to markedly change the justice court system.

Against this backdrop, each justice was asked for his or her views on sharing or restructuring the justice courts. Attorney justices in the participating municipalities were more comfortable with the idea of restructuring the courts. More than half of the attorney justices interviewed (7 out of 11) were open to an investigation of some restructuring, although their interests varied. A subset of these justices strongly advocated for a few targeted regional courts, with at least one full time justice, and the dissolution of village justice courts. Other justices proposed a district wide criminal court system, again with full time judges. One justice suggested that a district wide V&T court could be easily centralized if the revenue splitting issues could be resolved. Attorney justices who did not wish to see restructuring occur indicated that their position was influenced by the satisfaction they derive from the role of justice, the public value the courts provide to the community, and a desire to continue to serve. Among this group of justices, several admitted that it was difficult to reconcile their preferences as a justice with their expectations for cost-cutting as a taxpayer.

Most of the lay justices interviewed (4 out of 5) were against court restructuring, seeing no value and much harm in restructuring. Several of these justices noted that higher level courts have a more formalized atmosphere that it is mirrored in the court's approach to cases and defendants. By contrast, the climate in most justice courts is perceived as more personal and community-oriented, and therefore, preferable.

With respect to public perspectives on the justice courts, most citizens never appear in a local court and those that do are usually in and out quickly. For those citizens who have been involved in a case—holding aside individuals who receive an unfavorable verdict or perceive ill treatment—court staff noted that the public appreciates an efficient process, staff that can guide them through proceedings, comfortable facilities, and ample parking. Apart from cramped facilities and limited parking in some towns, officials in participating towns reported no complaints from residents.

### **Restructuring Considerations**

As acknowledged at the outset, justice courts have rarely been the focus of restructuring in New York State because the courts seem to work well, absorb only a small portion of a municipal budget, and operate in administrative isolation. However, when expenditure reductions are necessary, any justice court savings are real dollars that can help ease municipal budget problems. Given that justice court changes may be needed, what range of choices do officials have with respect to modifying their courts?

Governing boards know that they can adjust the hours, salary, and number of clerks, without direct voter or external approval, subject to the terms of employment contracts in place. They can move the location of the court within the jurisdiction, modify justice's salaries (again, subject to contract terms), request more scheduled court hours, and alter security arrangements in the courts without direct approvals.

The changes that are possible to make, but require voter and/or legislative approval, include the following:

- Dissolve a village court, with the town assuming responsibility for the caseload of the village.
- Reduce the number of justices in a town from two to one if the caseload warrants the reduction.
- Merge justice courts with an adjacent town and reduce from 2 justices in each town to one justice from each town who are able to hear cases for either town.
- Share a court facility with other towns, where the facility is in the other town (the public travels).
- Share a court facility and a single justice with another town.
- Share a justice with another town and operate out of current courthouses in each town (the justice travels).
- Merge two or more adjacent town justice courts, two or more adjacent city courts, or some combination of these into a regional court

### **Section Comments**

To weigh any of the restructuring options, officials need to know the full costs of the justice court 'as is', have detailed information about caseload and staffing in the courts, and know which municipalities might be potential partners in restructuring. It is important that officials know what is changing in the justice court environment locally and across the state, and anticipate how these changes might affect costs, revenue, and staffing. The preceding section of this study tries to provide information about the environment, and the section that follows takes a closer look at some of the details and measures of court performance across the county. These details can support an internal review of the local court, and help identify potential partners for restructuring options.

## Section II: Justice Court Findings

This section of the report supplies a number of ways to look at the costs, workload, and the performance data for the justice courts. Performance data in this case are calculations made using measurable units, such as total court costs per case, caseloads per justice, and caseloads per unit of salary. For the purposes of this study, the use of the term (performance data) is *not* related to subjective evaluations of court decisions or proceedings.

Findings and calculations focus primarily on the 12 towns participating in the study and do not include the court in the City of Kingston. For some portions of the analysis, where data could be assembled from other sources, the study team was able to build comparative data across all towns and villages in the county. These countywide comparative figures are available for caseloads and basic court costs and revenues. Findings involving staffing units, staff hours, salaries, and fringe benefits required information that had to be gathered from participating municipalities over the course of the study. At this time, calculations and projections using these figures extend only to the twelve towns.

### Data Sources

The analysis section includes fringe benefit and budget data compiled and shared by municipal officials, court revenue and expenditure figures from the Office of the State Comptroller (OSC), and census data. In addition, four county offices were asked to provide breakout costs for services related to the town and village justice courts across the county. The study team also obtained approximately 500 monthly case reports submitted to the justice court unit of OSC in 2008 by the Ulster County justice courts. Nearly 70,000 cases were coded and sorted into the categories shown in the caseload tables.

### Introduction

This section provides municipal officials a more complete view of their total justice court costs, and material to spur thinking about how court activity can be managed in different ways to get the most value for every dollar spent. For some municipalities, spending on the justice court will need to be reduced, and specific parameters, like the dollar amount of savings needed, will guide choices. What will remain more or less a constant in each municipality is the size of the caseload since officials can only affect caseload at the margins through policy or practice changes. Even so, caseload is the only factor that has a 'fixed' dimension; other factors, like the number of clerical staff, the number of justices, the hours of operation, and the salaries for staff are in most cases under the control of municipal officials and voters (duly noting contractual agreements). Another very important set of information for officials to have in this review process is how their justice court compares to other courts in terms of costs and load. It helps decision makers know how their caseload compares to their neighbors, and if they are paying more or less than their neighbors to achieve similar results.

### A More Complete View of Justice Court Costs

Any Ulster County local government seeking cost savings within their justice court operations would need to know where the court stands financially. The Office of the State Comptroller supplies uniform annual revenue and expenditure data for all justice courts (with expenditures categorized as personnel, contractual expenses, and equipment) from which municipalities can assess their court's financial standing and view corresponding data on other justice courts. However, there are two important caveats to note, neither of which will surprise

local officials. First, only the local share of revenue is meaningful in that calculation, and second, the OSC expenditures leave out fringe benefit payments<sup>g</sup> which can add a significant amount to personnel costs.<sup>h</sup> The package of fringe benefits offered varies from municipality to municipality—a discussion of optional benefits and required assessments on salaries is provided in Appendix B.

To assist municipalities in this review, the OSC data was compiled in two tables. Table 4 (participating municipalities) and Table 5 (non-participating municipalities) isolate the appropriate justice court revenues and expenses over a three year period. The table also includes a 'fringe benefits adjustment' column, which is an estimate of the additional municipal cost that is *likely* to have been incurred in 2007 for benefits payments. The study team applied a very conservative fringe benefit rate of 12% of personnel costs to arrive at the adjustment figure. This rate is only one-half of the average of fringe rates of three participating municipalities able to supply a complete breakout of fringe costs.<sup>i</sup> However, the fringe adjustment is only an approximation. Where there is no asterisk after the number in the table, the fringe totals are actual, not an estimate.

But assessing the full costs of the justice courts does not stop with locally incurred expenses. The county also incurs considerable expense providing services to the justice courts. A portion of the county costs for these services is paid by residents through county taxes. A number of county offices interact regularly with the justice courts, namely the District Attorney, Public Defender, Sheriff, and Probation Department. A very conservative estimate of county-level costs connected to the justice courts put the total at more than \$3.6 million each year, as shown in **Table 3**. Each county department provided the estimated costs, and indicated limitations, if any, in the information.

**Table 3. County Stakeholder Costs for Justice Courts**

County Stakeholder	Cost Estimates for Services to the Justice Courts*
District Attorney's Office	\$645,900
Sheriff's Office	\$1,300,000
Public Defender's Office	\$409,628
Probation Office	\$1,300,000
<b>Total County Stakeholder Costs</b>	<b>\$3,655,528</b>

\*Most data was provided by individual county stakeholders; some costs that are difficult to measure were excluded, yielding conservative estimates

The District Attorney fields ADAs to all the justice courts to attend criminal court sessions, and the Public Defender sends attorneys to represent indigent defendants. The Probation Office prepares pre-trial and pre-sentencing reports for defendants in every local court. It falls to the Sheriff's office to transport any defendant incarcerated in the county jail to and from court sessions, and the corrections staff at the jail process each defendant in and out of the facility. These offices maintain large staffs and cover the attendant salary, benefits, and over-time costs of employees. And while it is difficult to cleanly delineate a

justice court service and expense for a county stakeholder, it is clear that the sprawling aspect of justice courts in Ulster County makes for a logistically complex and travel-intensive set of county functions. It should be noted that costs sustained by local police, DEC officers, and the NYDEP officers that appear in court to negotiate tickets and attend trials have not been calculated in these estimates. The final column in **Tables 4** and **5** shows the local share of the known costs, based on the percentage of countywide real property value in the municipality.

### **Discussion of the Revenue Picture for Justice Courts**

The results show that the revenue picture for justice courts in Ulster County has been deteriorating in recent years. For several municipalities, these results run counter to the assumptions voiced in interviews about local court solvency. After sending remittances to state and county government, a majority of Ulster County courts are in deficit in fiscal years 2005, 2006, and 2007, with losses adding up to more than \$1.2 million over the 3-year period. Moreover, the number of courts in deficit has grown in the last few years as seen in **Table 4 and 5**. In 2005, 14 of Ulster County's justice courts were in deficit. By 2007, that number had grown to 17, and may in fact have been higher, had fringe benefit payments been included.

Even with the revenue picture less favorable, how much does the net fiscal balance of a justice court matter? Stakeholders in the court system would remind us that local courts were not created to be a revenue stream for local governments; they exist to provide justice. They might also add that as cost centers, the courts represent less than 3% of the total expenditures for municipalities. Both statements are correct but present only part of the local decision making context. What is missing is that some justice courts are more expensive than they need to be. Municipal services need to be delivered in the most cost efficient manner, especially in difficult economic times. If there are options for reconfiguring staff or sharing services that do not diminish court performance but decrease costs, or choices that are cost-neutral but improve the functioning of the local courts, officials may need to explore them. In cases where municipalities must consider making major improvements to a court facility, or building a new facility, the prospect of significant capital costs provides additional incentive for sharing.

**Table 4. Participating Municipalities Justice Court Costs**

Municipality	Court Costs and Revenues*				Fringe Benefits Adjustment	Local Tax Support of County Services***
		2005	2006	2007		
Denning (T)	Costs:	\$11,959	\$16,217	\$13,100	\$10,500	\$25,933.54
	Rev:	\$335	\$920	\$1,328		
Gardiner (T)	Costs:	\$61,383	\$60,697	\$63,017	\$6,788**	\$167,283.39
	Rev:	\$39,813	\$41,355	\$45,015		
Hardenburgh (T)	Costs:	\$2,747	\$2,244	\$2,340	*	\$28,945.06
	Rev:	\$400	\$220	\$610		
Hurley (T)	Costs:	\$52,079	\$52,698	\$56,048	\$5,727**	\$157,366.06
	Rev:	\$49,798	\$31,690	\$23,780		
Marbletown (T)	Costs:	\$74,820	\$85,924	\$92,153	\$4,792	\$184,259.44
	Rev:	\$37,852	\$37,658	\$29,274		
Marlborough (T)	Costs:	\$86,541	\$87,576	\$95,866	\$28,837	\$165,932.27
	Rev:	\$72,275	\$53,330	\$51,285		
New Paltz (T)	Costs:	\$238,833	\$248,959	\$255,683	\$25,265**	\$222,705.11
	Rev:	\$202,713	\$242,048	\$238,787		
Rosendale (T)	Costs:	\$69,892	\$73,078	\$74,635	\$16,131	\$105,665.67
	Rev:	\$90,180	\$67,604	\$69,850		
Saugerties (T)	Costs:	\$159,187	\$170,495	\$183,942	\$78,258	\$332,420.54
	Rev:	\$148,103	\$152,746	\$145,463		
Shawangunk (T)	Costs:	\$64,107	\$64,948	\$72,227	\$7,416**	\$204,303.33
	Rev:	\$48,492	\$46,906	\$55,562		
Ulster (T)	Costs:	\$208,450	\$229,548	\$254,307	\$27,000	\$276,566.72
	Rev:	\$436,742	\$357,608	\$424,531		
Wawarsing (T)	Costs:	\$118,514	\$125,039	\$144,997	\$14,700	\$190,805.61
	Rev:	\$59,310	\$61,287	\$94,927		

\*NYS Office of the State Comptroller, 2005, 2006, and 2007

\*\*These figures are conservative estimates of total fringe benefit costs, calculated as 12% of total personal service costs for the courts; this is approximately half the average fringe benefit total for those municipalities supplying complete data.

\*\*\*Estimate based on cost data provided by county offices and the proportion of county real property value within each town.

**Table 5. Non-participating Municipalities Justice Court Costs**

Municipality	Court Costs and Revenues*			Fringe Benefits Adjustment	Local Tax Support of County Services***	
	2005	2006	2007			
Ellenville (V)	Costs:	\$74,300	\$69,109	\$66,084	\$7,142**	\$26,814.64
	Rev:	\$103,823	\$101,293	\$64,522		
Esopus (T)	Costs:	\$82,782	\$85,196	\$90,152	\$9,666**	\$171,916.82
	Rev:	\$87,358	\$109,258	\$82,024		
Kingston (T)	Costs:	\$48,084	\$44,342	\$46,219	\$1,716**	\$15,047.00
	Rev:	\$83,031	\$65,215	\$79,584		
Lloyd (T)	Costs:	\$159,399	\$169,298	\$175,726	\$20,266**	\$201,797.23
	Rev:	\$213,389	\$221,419	\$202,757		
Olive (T)	Costs:	\$53,039	\$56,811	\$55,798	\$6,084**	\$205,777.52
	Rev:	\$34,491	\$28,795	\$31,339		
Plattekill (T)	Costs:	\$63,221	\$63,193	\$80,287	\$8,729**	\$143,263.65
	Rev:	\$90,535	\$150,628	\$112,415		
Rochester (T)	Costs:	\$72,411	\$71,756	\$75,217	\$8,195**	\$148,683.00
	Rev:	\$28,855	\$30,776	\$31,780		
Saugerties (V)	Costs:	\$28,603	\$27,871	\$31,715	\$3,069**	\$50,924.88
	Rev:	\$54,741	\$50,887	\$65,151		
Shandaken (T)	Costs:	\$53,905	\$58,335	\$58,552	\$6,556**	\$125,446.82
	Rev:	\$41,085	\$30,712	\$40,408		
Woodstock (T)	Costs:	\$90,443	\$96,481	\$99,412	\$10,653**	\$273,195.60
	Rev:	\$42,342	\$37,636	\$29,597		

\*NYS Office of the State Comptroller, 2005, 2006, and 2007

\*\*These figures are conservative estimates of total fringe benefit costs, calculated as 12% of total personal service costs for the courts; this is approximately half the average fringe benefit total for those municipalities supplying complete data.

\*\*\*Estimate based on cost data provided by county offices and the proportion of county real property value within each town.

**Table 6. Countywide Revenue Picture for Justice Courts**

Municipality	2008 State Ranking*	Fiscal Solvency, 2007 <sup>2</sup>	Net Fiscal Impact, 2005 to 2007 <sup>3</sup>	Cost per Case, Full Caseload <sup>5</sup>	Average Court Costs as a % of Budget, 2005 to 2007 <sup>3</sup>
<b>Participating Municipalities</b>					
Denning (T)	1229	Deficit	-\$38,692	\$284.78	.88%
Gardiner (T)	438	Deficit	-\$58,913	\$34.14	2.4%
Hardenburgh(T)	1251	Deficit	-\$6,102	\$123.16	.28%
Hurley (T)	651	Deficit	-\$55,559	\$45.24	1.7%
Marbletown (T)	446	Deficit	-\$148,112	\$56.99	3.3%
Marlborough (T)	356	Deficit	-\$93,093	\$36.52	1.5%
New Paltz (T)	78	Deficit	-\$59,928	\$21.58	2.9%
Rosendale (T)	295	Deficit <sup>1</sup>	\$10,030	\$25.66	2.2%
Saugerties (T)	136	Deficit	-\$67,312	\$35.84	1.4%
Shawangunk (T)	339	Deficit	-\$50,323	\$30.23	1.3%
Ulster (T)	42	Solvent	\$526,576	\$22.66	1.7%
Wawarsing (T)	372	Deficit	-\$173,027	\$49.07	1.5%
<b>Non-Participating Municipalities</b>					
Ellenville (V)	436	Deficit <sup>1</sup>	\$60,145	\$24.22	1.2%
Esopus (T)	282	Deficit <sup>1</sup>	\$20,510	\$34.33	1.6%
Kingston (T)	349	Solvent	\$89,184	\$32.69	9.2%
Lloyd (T)	74	Solvent	\$133,172	\$22.85	1.9%
Olive (T)	471	Deficit	-\$70,574	\$42.30	1.6%
Plattekill (T)	234	Solvent	\$146,876	\$19.31	2.5%
Rochester (T)	522	Deficit	-\$127,973	\$43.43	2.4%
Saugerties (V)	473	Solvent	\$82,591	\$27.89	.7%
Shandaken (T)	485	Deficit	-\$58,587	\$39.32	1.2%
Woodstock (T)	551	Deficit	-\$176,762	\$60.03	1.3%

\* NYS Office of the State Comptroller, 2007

<sup>1</sup> These justice courts have a net positive balance over these 3 years, but were in deficit in 2007

<sup>2</sup> Calculated by Intergovernmental Studies Program using NYS OSC 2007 data, NYS Office of the State Comptroller

<sup>3</sup> Calculated by Intergovernmental Studies Program using NYS OSC 2005-07 data, NYS Office of the State Comptroller

<sup>5</sup> Calculated by Intergovernmental Studies Program, NYS OSC data, 2007 cost data, 2008 caseload data (expanded to include all cases arraigned for other courts, dismissed, withdrawn, or otherwise transferred)

## A View of Workload Factors

With a clearer picture of the financial standing of the justice courts in Ulster County, the next step is to review caseload and staffing metrics. In this report, two workload factors are calculated for all Ulster County municipalities: cost per case for in-house cases and full caseloads. For the participating towns, the factors also include scheduled court hours, total clerk hours, salaries for justices and clerks,<sup>j</sup> and ratios computed from these measures. Municipalities provided the level-of-staffing information and salary data, and court clerks supplied information on scheduled court hours. It is important to note that the reference to scheduled court hours for justices used in the calculations are 1) approximate, because the length of court sessions varies, and 2) do not include justice work hours that may be used for legal research or other tasks. Although it was beyond the scope of this study, it may be useful for municipalities to calculate workload costs that include non-court work hours of the justices.

Caseload information is more difficult to collect. Although justice courts submit a record of cases from their data system to OSC monthly, few courts (we found one) summarize caseloads for local officials.<sup>k</sup> As a result, caseload information has never been shared countywide. For this analysis, the caseload data were a necessity. The study team acquired the records for 2008 and sorted the case information. **Table 7** provides caseload data for all towns and villages in the county that funded a justice court in 2008. As with any data, the case records may contain some variation resulting from differences in recording methods among justice courts or coding that occurs in OSC. One limitation in the data involves the category of dismissed cases. These cases are redacted in the OSC data and it is not possible to know how extensively these cases were processed; potentially, the dismissed cases added as much to the workload of the court as other cases.

Even with caseload and staffing records assembled, the metrics from a single court are interesting but not informative about how well the funds were spent. For that information, officials need to know the range of work (caseload) that it is possible to achieve for the amount of money spent on the justice court. In other words, officials need comparative data. The more workload comparisons the better—a greater number helps officials filter out the extremely unusual cases in the comparison group—but only if the workload information comes from justice courts that are reasonably similar in terms of basic structure, services, and stakeholders. Most justice courts within Ulster County are similar in those ways, so the comparative data meets that threshold. And while the justice courts differ significantly in the size of their caseload, the proportions of civil, criminal, and V&T cases across the caseloads are quite similar.

With comparisons in mind, officials can determine if the caseload for their court is smaller or greater than the caseload achieved by municipalities spending equivalent amounts on their justice court. Officials can examine municipalities with similar caseloads and review the expenditures of those courts. Where there are significant differences between local data and clusters of justice courts that are more similar in workload factors, officials will also have to sort out what else might be different about the courts they are comparing—many factors can have a bearing on the workload metrics of a justice court. **Table 8** provides several ways to calculate workload, for example, cost per case, justice caseload per scheduled court hour, and caseload per justice. Two additional metrics, caseload per clerk and clerk costs per case are shown in **Table 9**.

For some municipalities, the comparisons may suggest avenues for becoming more efficient at providing justice court services to the community, or ways to restructure justice court operations. Possibilities include

changing the number of justices or support staff, changing hours of operation or salary levels, combining courts with neighboring municipalities to reduce the total number of staff, or sharing facilities, justices, or clerical support.

**Table 7. Countywide Justice Court Caseload Data\***

Municipality	Penal Cases	V/T Cases	Civil Cases	Other Cases**	Total Cases	Arrests for Other Courts (AFC)	Transferred, Dismissed and Withdrawn (TDW)	Total Cases with AFC and TDW
Participating Municipalities								
Denning (T)	4	1	1	36	42	0	3	46
Gardiner (T)	42	1,147	70	83	1,342	87	417	1,846
Hardenburgh(T)	0	3	0	4	7	0	12	19
Hurley (T)	46	627	51	32	756	46	437	1,239
Marbletown (T)	75	989	31	28	1,123	51	443	1,617
Marlborough (T)	115	1,166	58	68	1,407	0	1,218	2,625
New Paltz (T)	470	6,479	117	302	7,368	29	4,451	11,848
Rosendale (T)	82	1,867	35	52	2,036	33	840	2,909
Saugerties (T)	298	2,658	98	217	3,271	9	1,853	5,133
Shawangunk (T)	178	1,272	81	65	1,596	14	779	2,389
Ulster (T)	965	7,886	117	475	9,443	74	1,706	11,223
Wawarsing (T)	178	1,727	91	228	2,224	3	728	2,955
Non-Participating Municipalities								
Ellenville (V)	248	1,313	117	130	1,808	3	917	2,728
Esopus (T)	143	1,602	49	46	1,840	42	744	2,626
Kingston (T)	19	1,226	4	9	1,258	4	152	1,414
Lloyd (T)	517	5,437	107	289	6,350	52	1,287	7,689
Olive (T)	46	845	20	107	1,018	14	287	1,319
Plattekill (T)	180	2,519	149	51	2,899	1	1257	4,157
Rochester (T)	157	671	69	109	1,006	32	694	1,732
Saugerties (V)	108	344	0	57	509	13	615	1,137
Shandaken (T)	145	1,104	34	42	1,325	0	164	1,489
Woodstock (T)	157	748	43	232	1,180	16	460	1,656

\* All calculations made by the Intergovernmental Studies Program, NYS Office of the State Comptroller 2008 data

\*\* Other cases include a range of cases under the purview of NYS justice courts, including environmental law, regulatory codes, and town and village ordinance (2008, NYS Office of the State Comptroller).

**Table 8. Participating Municipalities Unit Load/Workload Data**

Municipality	Total Cases 2008 <sup>1</sup>	Caseload per Justice	Scheduled court hours per justice per year <sup>3</sup>	Justice caseload per scheduled court hour	Average justice salary per hour scheduled court	Approximate Cost per Case 2008 <sup>4</sup>
<b>Participating Municipalities</b>						
Denning (T)	46	46	98.8	.5	43	\$ 284.78
Gardiner (T)	1,846	923	120.25	7.7	113	\$ 34.14
Hardenburgh(T)	19	19	13	1.5	146	\$ 123.16
Hurley (T)	1,239	620	130	4.8	121	\$ 45.24
Marbletown (T)	1,617	809	71.5	11.3	155	\$ 56.99
Marlborough (T)	2,625	1,313	130	10.1	187	\$ 36.52
New Paltz (T)	11,848	5,924	173.4	34.2	164	\$ 21.58
Rosendale (T)	2,909	1,455	104	14	135	\$ 25.66
Saugerties (T)	5,133	2,567	169	15.2	152	\$35.84
Shawangunk (T)	2,389	1,195	84.5	14.1	178	\$ 30.23
Ulster (T)	11,223	5,612	598	9.4	59	\$ 22.66
Wawarsing (T)	2,955	1,478	156	9.5	163	\$ 49.07

<sup>1</sup> Includes all adjudicated cases, including dismissals and transfers, and arraignments for other courts,

<sup>2</sup> In 2008 Denning had 2 justices; in 2009 reduced to 1.

<sup>3</sup> Based on data provided by individual courts

<sup>4</sup> Uses court expense data from 2007; 2008 not yet available

**Table 9. Comparative Court Clerk Metrics**

Town	Clerks <sup>1</sup>	Total Hours	Total Cases	Average Clerk Compensation Per Hour <sup>3</sup>	Clerk Comp. Per Case, Total	Total Cases Per Clerk, Annual
Gardiner	1 (.98)	39	1,846	\$17.06*	\$18.74	1,884
Hurley	1 (.90)	36	1,239	\$12.00*	\$18.26	1,377
Marbletown	3 (2)	80	1,617	\$15.46	\$39.76	809
Marlborough	2 (1.55)	62	2,625	\$13.05	\$16.03	1,694
New Paltz	4 (4)	160	11,848	\$18.45	\$12.96	2,962
Rosendale	2 (1.50)	60	2,909	\$12.65	\$13.57	1,939
Saugerties	3 (2.75)	110	5,133	\$21.33	\$23.77	1,867
Shawangunk	2 (1.29)	51.5	2,389	\$11.88	\$13.31	1,852
Ulster	6 (5)	200	11,223	\$15.25	\$14.13	2,245
Wawarsing	2 (1.75)	70	2,955	\$19.70	\$24.27	1,689

\* Hourly rates provided by municipality

<sup>1</sup> A forty hour work week is recorded as 1 full time clerk; calculations are based on this number, not the number of clerks.

<sup>2</sup> In-house cases exclude dismissals, transfers, and arraignments for other courts.

<sup>3</sup> Calculations are based on OSC data, justice salary data provided by municipalities

**Discussion of Workload Factors among Participating Municipalities**

Among the participating municipalities, there is a wide range of workload scores, including those for caseload, scheduled court hours, justice salary per hour of scheduled court time, and case costs. For most of these scores, averages are not really meaningful since there are outliers at both ends of the distribution that skew them. Two of the towns involved in the study are very low volume courts (caseloads of 19 and 46), and two operate with twice the case intake of the next busiest justice court (caseloads of 11,223 and 11,848). As a result, the median is a more useful statistic, showing the middle value in the distribution of scores (six town have scores above the median and six are below). The medians for each of the workload factors are shown in **Table 10**.

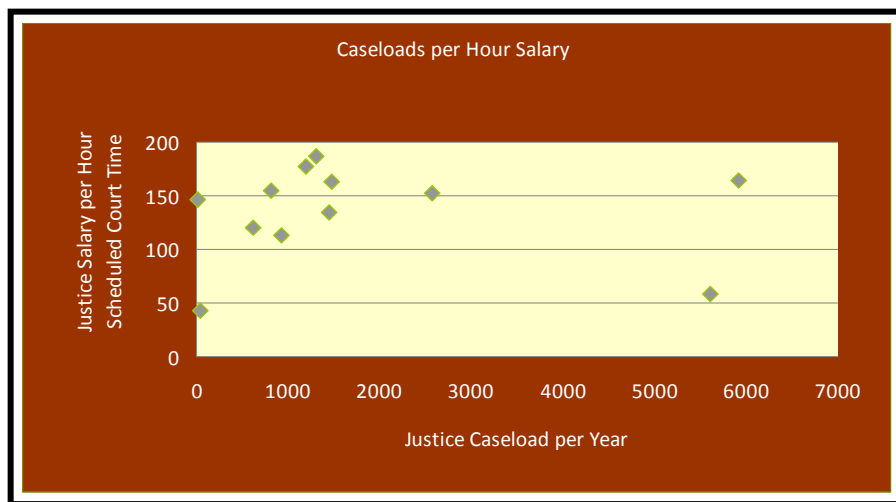
**Table 10. Median Workload Factors among Participating Municipalities**

	Median Caseload 2008	Median Caseload per Justice	Median Scheduled Court Hours per Justice per year	Median Hourly Caseload per Justice	Median Justice Salary per Hour Scheduled Court	Median Cost per Case 2008*
Participating Towns	2,507	1,254	125.1	9.8	\$ 149	\$ 36.18

\* does not include fringe benefit adjustment

To illustrate some of the differences that exist across workload factors, two municipalities, Rosendale and Wawarsing hear about 2,900 cases annually. But these courts, with roughly the same caseload, have different scheduled court hours, different costs per case, and different averaged clerk compensation rates (see **Tables 8 and 9**).

Another example centers on approximate costs per case. The towns of New Paltz and Ulster have similar metrics for case costs, but differ significantly in hours of scheduled court (hours per justice) and justice compensation per scheduled court hour. The scatter plot in **Figure 1** offers a visual sense of how the participating towns are distributed in terms of caseload and justice salary per scheduled court hours. For instance, the graph shows a cluster of towns with caseloads less than 2,000 per year all paying hourly salaries in the range of \$150-190. At the far right of the graph, two sets of town justices have caseloads of nearly 6,000 per year, but the salaries per hour differ significantly.



The interpretation of these differences, and other discrepancies or similarities that exist in the findings, is a key step in the process of finding the right cost parameters for a local court.

**Figure 1. Scatter plot of Caseloads and Justice Salary per Court Hours**

**Section Comments**

This section provides a range of comparative data about justice courts that can be used by town and village officials as they make budgetary decisions. The findings also support the review of justice court practices and workload factors that is strongly recommended by the State Comptroller. As municipalities move forward, it seems likely that the continued availability of such data could be central to justice court funding decisions, and to public acceptance of restructuring and service sharing among courts. When using the information, officials will initially find more questions than answers, but any adjustments to the structure or staffing of justice courts should involve a full exploration of alternatives and impacts.

## Section III: Recommendations

The summary of the justice court environment in the first section of this study, and the data provided in the second section, were prepared to support local level thinking and analysis with regard to the justice court system. It remains a goal of this study to trigger thoughtful consideration of the organization and efficiency of local courts, and the countywide system of administering justice, given that such deliberations often fuel efficiencies and reforms. In this section, the study team offers recommendations based on this same information, augmented and tempered by the collection of opinions and perspectives drawn from interviews conducted across the county. Although all of the recommendations support cost savings, the first two focus on better management practices and tools. The remaining recommendations identify specific cases of service sharing or justice court restructuring that could be expected to produce cost savings. A final recommendation summarizes Ulster County stakeholder ideas for court efficiencies. It is worth noting that court restructuring can pay dividends in terms of more rigorous internal controls, better court facilities and security arrangements, staff professionalization (including legal research staff and specialists for different social and community resources), and more consistent oversight on the part of state regulatory agencies (i.e. OCA, OSC, and CJC).

### 1. Improve The Level Of Oversight By Municipal Governing Boards

All governing boards should review their obligations as overseers of the courts and fulfill the role as the State Comptroller recommends. At a minimum, governing boards need to review procedures for handling payments to the courts, know the status of recordskeeping and reporting activities that are the responsibility of the local courts, and stay informed about the caseload handled by the justices and clerks. The recommended oversight is limited to administrative and fiscal matters; judicial decision-making is solely within the purview of municipal justices. When municipal officials do find problems or receive worrisome feedback from citizens, the appropriate state agencies should be contacted for advisement (i.e. OSC, OCA, and CJC).

Municipal officers are expected to understand the fiscal risk factors associated with justice court operations and procedures – how monies can be mishandled or diverted. The same basic framework that OSC offers for fiscal oversight of other local government entities can be applied in the context of justice courts without compromising judicial autonomy. However, an apprehension about justice court oversight seems to have prevented municipal officials from building a deeper understanding of justice court processes and procedures. This precludes governing boards from conducting meaningful risk assessments, and annual municipal audits of the courts fail to identify and correct financial mismanagement (this statement is based on OSC audit findings across New York State not IGSP research for this study).

Additionally, understanding justice court processes and risk factors will also be important when municipal officers restructure their justice courts. New organizational designs and processes can produce different vulnerabilities and risk, and municipal officials should be prepared to identify these risks in their own courts. Officials are also more likely to develop well-conceived restructuring designs, and engage the community in substantive and composed dialogue, if they are familiar with court issues, operations, and finances.

The efforts of municipal officials to oversee and audit the justice courts may be further complicated by the data management and reporting tool used by most justice courts. Officials in state regulatory agencies have

found that the system that most justice courts use can compromise internal controls and reporting. The system allows operators to change entry records and submit erroneous data. Municipal officials are often unfamiliar with the case management software and its problems, making it more difficult to have a clear understanding of justice court operations and finances. OCA is currently in the process of developing a more facile case management system that can ameliorate some of these issues.

**Benefits identified:** Improved internal controls, better budgetary decision making, better informed public dialogue, and added capacity for evidence-based planning.

## 2. Build Countywide Technical Support For New Case Management Tools

Beginning in the next few years, each justice court in New York State will be able to adopt a new case management system currently in development in OCA. The system will supplement the problematic SEI system and its use may be required by OCA. It is important that justice court staff learn to exploit the capacity that the system offers, and not simply use it for ordinary tasks. The county, perhaps working through the Criminal Justice Council, could actively support justices and clerks as they learn to use the system features to produce caseload reports and other analyses. As this study underscores, information about the workload of the justice courts is essential to ongoing decision making on the part of governing boards, certain policing agencies, and county stakeholders. If the Criminal Justice Council convenes and organizes this support, it may be possible to lead the group toward an information sharing agreement, where the local courts compile and share caseload statistics annually, making it possible to continue comparative unit calculations. For decision makers, the benefits of reviewing comparative data are substantial.

**Benefit identified:** Improved staff capacity to assemble court data, ongoing and improved information sharing to support problem solving and service sharing.

## 3. Share A Single Justice In The Smallest Courts

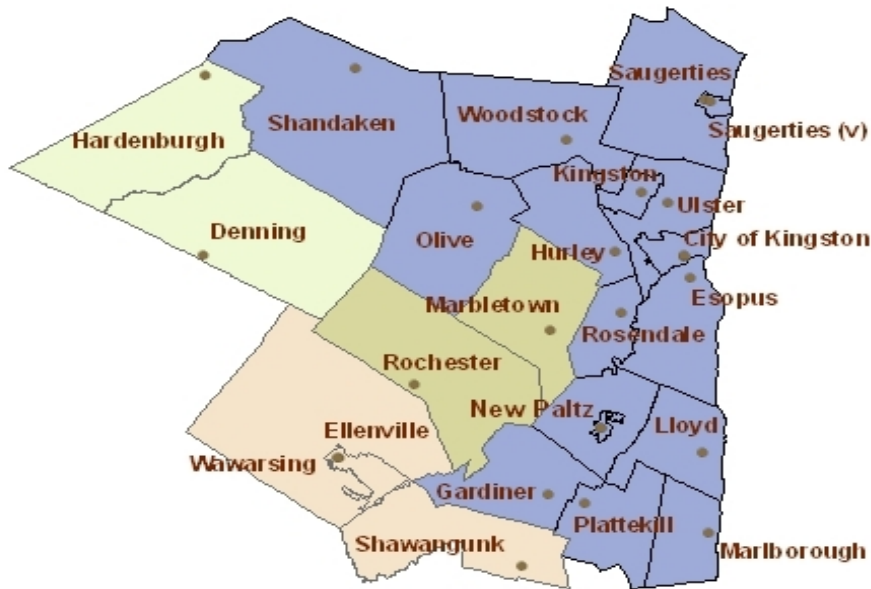
Very small court operations do not require the expense of full justice court staffing. Denning and Hardenburgh provide an excellent example of this special circumstance, having the smallest populations and lowest volume courts in the county. Their courts handled a total of 46 and 19 cases, respectively, in 2008. Each court currently has a single justice, but with so little case activity these municipalities have a reasonable basis for sharing a single justice. Leaving aside fringe benefits and facility costs, the towns spent a combined total of about \$15,500 on their courts in 2007. Each town could save a portion of these costs by halving the cost of the justice and the benefits provided.

The problem to be overcome is the geography of these towns, situated on the rural western edge of the county (see **Figure 2**). Residents of Denning find it more convenient to travel to other locations in Ulster County by leaving the county and re-entering at another point. The nearest justice court facility is an hour away from either town and the distance between the two justice courts involves a 2 ½ hour round trip. If these towns wish to avoid inconveniencing their residents by having to travel further to gain access to the courthouse, the best option would be a justice that 'rides circuit' to each town, probably once a month. Under this plan, the justice would maintain separate records and accounts for each municipality.

Each town would first need to examine current court expenditures and decide if the estimated savings warrant the effort. Moving forward, the towns would need to follow the steps outlined in Appendix A, under the category, 'joint election of a single justice'. Since both Denning and Hardenburgh already have, or are in the process of gaining approval to have a single justice, there are fewer steps and delays in the process for them. Legislative approval of the proposal is required.

**Benefit identified:** Cuts the expenditures for a justice by half in each court.

**Figure 2. Clustered Municipal Map**



#### 4. Share The Expense Of New Court Facilities With Adjacent Towns

Towns weighing the need to retrofit an existing property, or erect a new court facility, should consider sharing the cost of that facility, especially where an adjacent town has similar needs and interests. Marletown and Rochester find themselves in this situation. Each municipality expressly stated a need for an appropriate, accessible, and safe court facility, and an interest in sharing the cost of a new facility with an adjacent town. Under such an agreement, the cost of erecting a new courthouse or retrofitting space for the cooperating justice courts would be diminished at a savings likely to be no less than \$150,000-250,000 in total. In a similar situation developing in Genesee County, three towns, Elba, Oakfield, and Batavia, have agreed to share the cost of a new facility, with one town incurring the debt to build the facility, and the others paying a rental fee for use of the space (costs not yet determined).

With respect to convenience, the current court facilities in Marletown and Rochester are 12.7 miles apart. Conceivably, the location of a new shared facility could fall within that span (see **Figure 2**). It should be noted that the caseloads for Marletown and Rochester are well below the median caseload among the participating towns. This suggests that a single courthouse could accommodate the caseloads that each justice court would introduce. If the towns succeed in opening a dialogue about a shared facility, other possibilities for sharing staff and reducing costs may arise. Depending on the conditions of the space at the time and the needs of the towns, any space currently used for justice court activities may be suitable for reuse or sale.

**Benefits identified:** Improved court facilities at about half the cost incurred by a single town, potential reuse of decommissioned court spaces, and enhanced opportunities for further cost reductions and sharing.

## 5. Merge Justice Courts In Some Adjacent Towns Into A Regional Court

In some areas of the state, there is interest in merging justice courts into a regional court. Legally, this arrangement is considered a (small) district court. Under the terms spelled out in the New York State constitution, this regional court would have a single justice for each court involved in the merger, and these justices would hear cases for any of the courts. There could be more than one court facility, with Legislative permission.

In our interviews with participating municipalities in Ulster County, a small cluster of officials and justices, observed that their justice courts were reasonable candidates for a regional court. Interest was expressed in Wawarsing and Shawangunk, with the inclusion of a third adjacent town possible, and the dissolution of the justice court of the Village of Ellenville mentioned as a fourth option (see **Figure 2**).

Justices discussing this idea indicated that the regional court would need at least one full time judge and a support staff sufficient to handle the combined caseload. As justices often noted, the pay for court clerks is set quite low in some municipalities, not reflective of the the clerks' complex administrative responsibilities. A regional court could address the pay issue and attract well trained clerks. The higher salaries could be offset by reducing the overall number of clerks needed. The caseloads of Wawarsing and Shawangunk, including all in-house adjudicated cases, transfers, and dismissals total 5,344, a sum that is about half the caseload handled in 2008 by the town courts in New Paltz (11,848) and Ulster (11,223). Each of the three largest courts, which also includes the town court of Saugerties (5,133 cases) are handled by two justices and with 4, 6, and 3 clerks respectively.

The potential savings of a regional court with two or more justice courts merged could be significant, depending on the decisions made about justice salaries, percentage of effort, facilities, and clerical staff. Currently, Wawarsing and Shawangunk spend more than \$217K on their courts, plus fringe benefits (a known minimum of 15K). Of course, there would be additional savings on the part of county stakeholders in reducing travel, coordination, and logistics for cases in the current individual courts.

**Benefit identified:** Cost savings for the municipalities and the county stakeholders, potential reuse of the space made available by decommissioning a court building, and savings to the county.

## 6. Consider Creating Regional Criminal Courts

Ulster County study participants identified several issues associated with the prosecution of criminal cases. First, criminal cases are the most complex cases handled in justice courts, requiring greater legal skill and a thorough knowledge of penal law and legal precedent. It is argued by many stakeholders in the criminal justice system in Ulster County, including many justices, that criminal cases are best handled by attorney justices. Second, these cases are also the most time consuming of the three broad categories of cases,

involving far more coordination with service providers and county departments. Finally, criminal cases are the most expensive cases to adjudicate. From the perspective of municipalities, criminal case prosecutions add to the local costs of operating a justice court and providing little offsetting revenue. Criminal cases in the justice courts also account for a substantial portion of annual costs for the District Attorney, the Public Defender's office, the Probation Department, and the Sheriff, which are passed on to taxpayers.

One approach that may help ameliorate each of these problems is to create regional criminal courts, leaving V&T and civil cases, and the revenue they produce, in the local courts. A regional criminal court could incorporate any number of municipalities and operate out of a single designated facility. Justices could be required to have advanced legal training and court clerks could be selected from those with greater professional skills or paralegal training.

The benefits to be derived from creating regional criminal courts could include greater equity across criminal cases, expedited resolution of cases, and some cost savings. A court focusing its energies only on criminal cases would be better able to concentrate its efforts and system resources on the cases at hand, moving cases along equitably and more quickly. The capacity of a regional court to focus its effort, speak to criminal case issues, and access the network of services available to defendants could be a sizable benefit to citizens. In fact, this potential capacity may counter one noteworthy objection to court restructuring. Some stakeholders fear that a court more distant from the community would lose a critical component of local justice—the concerted effort made in justice courts to consider a defendant's circumstances, age, or standing in the community in judicial decisions.

There is also some expectation that the costs for prosecuting these clusters of criminal cases would be reduced. More of the savings would be realized on the part of county offices that participate in criminal cases, given that municipalities would have to contribute some portion of their current court operations budget to the salary of clerks and justices that would serve in the regional court. In order for there to be local interest in this option, any agreement would have to assess municipal contributions to the regional criminal court at a level proportional to the number of criminal cases typically prosecuted in the jurisdiction and guarantee the level of contribution for an extended period. In addition, it would be necessary for the county to reinvest a significant portion of its savings in the operation of the regional court. The amount of savings for the county depends on the number of municipalities in the cluster, the number of criminal cases typically handled across the cluster, and the location of the court facility.

Decisions associated with creating a regional criminal court, or a system of regional criminal courts, include the location of a criminal court facility within the region, the level of staffing needed, the selection criteria for staff, the distribution of costs for court staff, and facility construction and/or renovations if needed. The Office of Court Administration has indicated an interest in exploring this option and may consider funding some portion of the planning or implementation of such an initiative.

**Benefits identified:** Cost savings for the municipalities with respect to justice court budget, improved legal outcomes and resource coordination in criminal cases, cost savings (logistics and travel) for county departments in serving fewer criminal courts, more effective oversight .

## 7. Seek Other Efficiencies

County and local officials in Ulster offered a number of recommendations that were not related to court restructuring, but had implications for cost-savings or efficiency gains. In an environment of particularly strained fiscal resources, each is worthy of consideration. Ulster County's Criminal Justice Council may be an appropriate venue to discuss these recommendations in more detail, and to identify others.

***Use mediators in civil cases before the justice courts.*** A number of justice courts in Ulster County take advantage of nonprofit mediator assistance in civil cases, reporting that a majority of cases are quickly and successfully resolved. A more widespread use of this service may prove efficient and cost effective for the justice courts.

***Reinstitute a comprehensive resource book for justices.*** The resource book, a volume previously available to the courts, should be recreated as an online resource to share timely information on the services and programs within the county to which courts can direct defendants. Justices said that it has become increasingly difficult to keep track of all the public and private services available to individuals appearing before them and to know what restrictions, waiting periods, and details apply. It is recommended that this be an online resource to enable frequent updates, supplied by service providers.

***Extend the PSI pilot.*** The PSI pilot seeks to reduce the pre-sentencing investigation report workload within the probation department. In the pilot, pre-screening investigation reports (PSIs) on defendants completed within the last 12 months were reused for other cases involving the defendant. The pilot was developed to address the increased workload and fiscal cuts that have affected the Probation Department in the last few years. It takes a considerable amount of time to research and write these reports, and the department currently has only one writer. The wait for these reports can take months, potentially delaying the processing of cases for the justice courts, and since it is unlikely that the content of these reports will fundamentally change in a short time period, the reuse is warranted in most cases. The adoption of this program by more justice courts would likely yield both cost and operational efficiencies for the courts and county stakeholders. Some suggested that justices and Probation should work a little more closely to design a PSI format that is more simple and accessible. Reorienting PSI reports in this way might also help ensure that relevant information is conveyed.

***Reexamine arraignment activity.*** A number of participants felt that arraignment services were used too liberally by other stakeholders in the system, noting that police officers intermittently seek off-hour arraignments for incidents that require only an appearance ticket. This is done for a number of reasons, one of which, justices believe, is to ensure that defendants appear in court. However, justices can issue bench warrants in the event that a defendant does not show up on his or her appearance date, which is a rare occurrence in the participating municipalities. By reducing the number of off-hour arraignments, more officers can remain on patrol, actively covering their municipalities.

**Benefit identified:** Cost savings for the municipalities and county stakeholders, service and quality improvements.

### Concluding Comments

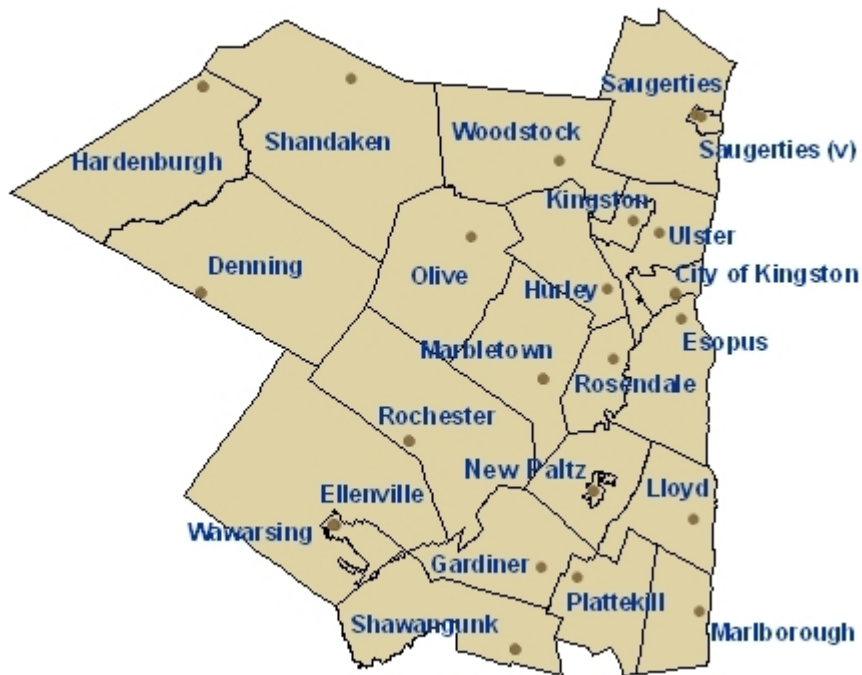
With their collective decision to pursue the study of justice courts, Ulster County municipalities created an opportunity for change. The interviews with the key stakeholders in the court system brought to light a series

of issues and more than a few decisions that need to be made. Some of these decisions will produce cost savings and efficiencies. But more than that is possible. Each municipality now has local performance data and a basis for making comparisons with other courts. Some towns may find that their costs are not defensible for their caseload, and others may see new ways to staff the court that improve the court environment. A few municipalities may see opportunities to share services with adjacent municipalities or find a way to solve facility issues less expensively.

In the recommendations, we focused on actions that were supported by the findings and had some expressed support by court and/or municipal officials. We hope that the study results provide the raw material needed by Ulster County municipalities as they continue to streamline services, and that municipalities continue to collect data in the ways shown. This data can support cost effective decision making on a town by town basis.

## Section IV: Individual Court Profiles

The following section presents individual justice court data for the 12 participating towns. For participating municipalities, much of the information found in the report's tables and court profiles has been collected from justices and court clerks. In their interviews, court staff provided IGSP with information on court sessions and hours of operations, staffing levels and schedules, facilities and equipment, and the use of special prosecutors. This information was merged with data collected from other sources, producing figures on case processing times and hourly wages for court personnel. Court hours change from week to week with caseload, so the figures included in this report are based on the best estimations of court staff. After court interviews and subsequent calculations were complete, IGSP contacted participating justice courts to verify the accuracy of its figures. While most courts responded to our verification efforts, there are a few courts that did not verify the data in the second check. JCAP data may not be exhaustive.



## Town of Denning Justice Court Profile

Court Operations and Personnel (Current)	
Justices	1 (Attorney)
Clerks	1 (Part-time)
Office Hours	On-Call
Court Hours	On-Call
Justice Hours per Week	1.9
Clerk Hours per Week	4.9
Total Personnel Hours per Week	6.8
Special Prosecutor	No
Caseload Distribution and Totals, 2008	
Penal Law	4
Vehicle and Traffic Law	1
Civil	1
Other	36
Case Transfers and Dismissals	4
Arraignments for other courts	0
Caseload Totals	46
Miscellaneous Information	
OCA JCAP Utilization	Lap top, recording equipment, and justice bench
Distance to Adjacent Municipalities	Town of Hardenburgh (31.9 miles, 1 hr 14 min), Town of Shandaken (26.2 miles, 1 hr), Town of Olive (30.9 miles, 1 hr 13 min), Town of Rochester (26.3 miles, 56 min), Town of Wawarsing (23.7 miles, 51 min)
Distance to County Stakeholders	Sheriff (45.3 miles, 1 hr 15 min), DA (45.9 miles, 1 hr 16 min), Public Defender (45.7 miles, 1 hr 15 min), Probation Director (46.2 miles, 1 hr 16 min)
State Revenue Rank, 2008	1,229
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	.88%
Cost Per Case, 2008	\$284.78

## Town of Gardiner Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	1 (Full-time)
Office Hours	M-F, 9:00 to 4:00 (35)
Court Hours	W, 4:00 and Th, 5:00 (4)
Justice Hours per Week	4.625
Clerk Hours per Week	39.5
Total Personnel Hours per Week	44.25
Special Prosecutor	No
Caseload Distribution and Totals, 2008	
Penal Law	42
Vehicle and Traffic Law	1,147
Civil	70
Other	83
Case Transfers and Dismissals	417
Arraignments for other courts	87
Caseload Totals	1,846
Miscellaneous Information	
Facility Information	New facility; security guard present for all court sessions.
OCA JCAP Utilization	Printer, copier, fax machine, file cabinets, new podium, recording equipment, and laptop computer
Distance to Adjacent Municipalities	Town of Rochester (16.9 miles, 22 min), Town of Wawarsing (20.6 miles, 25 min), Town of Shawangunk (8.1 miles, 15 min), Town of Plattekill (3.4 miles, 4 min), Town of Lloyd (13 miles, 17 min), Town of New Paltz (7.8 miles, 14 min)
Distance to County Stakeholders	Sheriff (19.6 miles, 38 min), DA, (26.2 miles, 38 min), PD (26 miles, 37 min), Probation Director ( 26.4 miles, 36 min)
State Revenue Rank, 2008	438
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	2.4%
Cost Per Case, 2008	\$34.14

## Town of Hardenburgh Justice Court Profile

Court Operations and Personnel (Current)	
Justices	1 (Non-Attorney)
Clerks	None
Office Hours	None
Court Hours	M, 10:00 or 6:00 (.25)
Justice Hours per Week	15 minutes
Clerk Hours per Week	None
Total Personnel Hours per Week	15 minutes
Special Prosecutor	No
Caseload Distribution and Totals, 2008	
Penal Law	0
Vehicle and Traffic Law	3
Civil	0
Other	4
Case Transfers and Dismissals	12
Arraignments for other courts	0
Caseload Totals	19
Miscellaneous Information	
Facility Information	Located within the town hall.
OCA JCAP Utilization	Digital recorder
Distance to Adjacent Municipalities	Town of Denning (31.9 miles, 1 hr 14 min), Town of Shandaken (14.4 miles, 25 min)
Distance to County Stakeholders	Sheriff (43.4 miles, 1 hr 12 min), DA (41.9 miles, 1 hr 10 min), PD (41.8, 1 hr 9 min), Probation Director (42.2, 1 hr 8 min)
State Revenue Rank, 2008	1,251
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	.28%
Cost Per Case, 2008	\$123.16

## Town of Hurley Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	1 (Part-Time)
Office Hours	M, Th, F 9:00 to 1:00; T, 9:00 to 2:00; W, 9:00 to 5:00 (25)
Court Hours	T, 4:00 or 6:00; W at 4:30 (5)
Justice Hours per Week	5
Clerk Hours per Week	36
Total Personnel Hours per Week	41
Special Prosecutor	Yes (1 night per month)
Caseload Distribution and Totals, 2008	
Penal Law	46
Vehicle and Traffic Law	627
Civil	51
Other	32
Case Transfers and Dismissals	437
Arraignments for other courts	46
Caseload Totals	1,239
Miscellaneous Information	
Facility Information	Facility has security equipment, but lacks the personnel to operate it. Security is made difficult by court's co-location in town hall, which also limits court and meeting space/privacy.
OCA JCAP Utilization	Fire proof filing cabinets, new bench, pc and laptop computers, security equipment (wand, metal detector)
Distance to Adjacent Municipalities	Town of Woodstock (11.7 miles, 21 min), Town of Olive (15.2 miles, 24 min), Town of Marbletown (7.2 miles, 10 min), Town of Rosendale (6.1 miles 16 min), Town of Ulster (5.8 miles, 9 min), Town of Kingston (6.2 miles, 12 min)
Distance to County Stakeholders	Sheriff (5.7 miles, 10 min), DA (4.3 miles, 8 min), Probation Director (4.5 miles, 6 min)
State Revenue Rank, 2008	651
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-2007	1.7%
Cost Per Case, 2008	\$45.24

## Town of Marbletown Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Attorney)
Clerks	3 (1 Full-Time; 2 Part-Time)
Office Hours	M-F, 8:30 to 4:30 (40)
Court Hours	M, 5:30 (1.5 - 2 hours)
Justice Hours per Week	2.75
Clerk Hours per Week	80
Total Personnel Hours per Week	82.75
Special Prosecutor	Yes (2 nights per month)
Caseload Distribution and Totals, 2008	
Penal Law	75
Vehicle and Traffic Law	989
Civil	31
Other	28
Case Transfers and Dismissals	443
Arraignments for other courts	51
Caseload Totals	1,617
Miscellaneous Information	
Facility Information	Court staff felt that the courtroom could be bigger and could use new and safer furniture. There is a security officer.
OCA JCAP Utilization	New copier, training on criminal disposition recording, and in the process of applying for a security door and electrical modifications.
Distance to Adjacent Municipalities	Town of Hurley (7.2 miles, 10 min), Town of Olive (13.7miles, 23 min), Town of Rochester (12.7 miles, 20 min), Town of New Paltz (11.5 miles, 20 min), Town of Rosendale (4.2 miles, 7 min)
Distance to County Stakeholders	Sheriff (11.4 miles, 18 min), DA ( 11.2 miles, 16 min), PD ( 11 miles, 15 min), Probation Director (11.4 miles, 14 min)
State Revenue Rank, 2008	446
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-2007	3.3%
Cost Per Case, 2008	\$56.99

## Town of Marlborough Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	2 (1 Full-Time; 1 Part-time)
Office Hours	M-F, 8:30-2:30 (30)
Court Hours	T, 5 and W, 5:30
Justice Hours per Week	5
Clerk Hours per Week	62
Total Personnel Hours per Week	67
Special Prosecutor	
Caseload Distribution and Totals, 2008	
Penal Law	115
Vehicle and Traffic Law	1,166
Civil	58
Other	68
Case Transfers and Dismissals	1,218
Arraignments for other courts	0
Caseload Totals	2,625
Miscellaneous Information	
Facility Information	Court staff noted the facility could be larger. There is a new security officer.
OCA JCAP Utilization	
Distance to Adjacent Municipalities	Town of Lloyd (5.9 miles, 10 min), Town of Plattekill (9.8 miles, 17 min)
Distance to County Stakeholders	Sheriff (23.1 miles, 36 min), DA (22.4 miles, 35 min), PD (22.6 miles, 36 min), Probation Director (21.8 miles, 32 min)
State Revenue Rank, 2008	356
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	1.5%
Cost Per Case, 2008	\$36.52

## Town of New Paltz Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Attorney)
Clerks	4 (all Full-Time)
Office Hours	M-Th, 8:30 to 3:30; F, 8:30 to 12 (31.5)
Court Hours	T, 4:00 and W, 6:00 (6)
Justice Hours per Week	6.67
Clerk Hours per Week	160
Total Personnel Hours per Week	166.67
Special Prosecutor	Yes (8 nights per month)
Caseload Distribution and Totals, 2008	
Penal Law	470
Vehicle and Traffic Law	6,479
Civil	117
Other	302
Case Transfers and Dismissals	4,451
Arraignments for other courts	29
Caseload Totals	11,848
Miscellaneous Information	
Facility Information	There is a metal detector and two security officers. The courtroom was recently redone due to a roof collapse.
OCA JCAP Utilization	Metal detector, handicap lift, wand, office furniture, and computers
Distance to Adjacent Municipalities	Town of Esopus(18.3 miles, 27 min), Town of Rosendale (8.8 miles, 18 min), Town of Marletown (11.5 miles, 20 min), Town of Rochester (20.9 miles. 35 min), Town of Gardiner (7.8 miles, 14 min), Town of Plattekill (7.9 miles, 15 min), Town of Lloyd (7.4 miles, 13 min)
Distance to County Stakeholders	Sheriff (13.3 miles, 25 min), DA (19.6 miles, 25 min), PD (19.4 miles, 24 min) Probation Director (19.8 miles, 23 min)
State Revenue Rank, 2008	78
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	2.9%
Cost Per Case, 2008	\$21.58

## Town of Rosendale Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	2 (1 Full-time, 1 Part-Time)
Office Hours	M-Th, 8:00-5:00 (36)
Court Hours	T, 5:00 (4)
Justice Hours per Week	4
Clerk Hours per Week	60
Total Personnel Hours per Week	64
Special Prosecutor	Yes
Caseload Distribution and Totals, 2008	
Penal Law	82
Vehicle and Traffic Law	1,867
Civil	35
Other	52
Case Transfers and Dismissals	840
Arraignments for other courts	33
Caseload Totals	2,909
Miscellaneous Court Information	
Facility Information	Use off-duty corrections officers during court hours; no security during the day.
OCA JCAP Utilization	
Distance to Adjacent Municipalities	Town of Ulster (13.5 miles, 23 min), Town of Hurley (6.1 miles, 16 min), Town of Marbletown (4.2 miles, 7 min), Town of New Paltz (8.8 miles, 18 min), Town of Esopus (9.7 miles, 18 min) Town of Hurley(6.1 miles, 16 min)
Distance to County Stakeholders	Sheriff ( 4.1 miles, 7 min), DA (6.4 miles, 13 min ), Public Defender (5.9 miles, 12 min ), Probation Office (5.9 miles, 13 min )
State Revenue Rank, 2008	295
Court Fiscal Solvency, 2005-07	Deficit
Court as % of Total Municipal Expenses, 2005-07	2.2%
Cost Per Case, 2008	\$25.66

## Town of Saugerties Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Attorney)
Clerks	3 (All Full-Time)
Office Hours	M- F, 8-4 (40)
Court Hours	T, 3:30; W, 5:00 (6.5)
Justice Hours per Week	6.5
Clerk Hours per Week	110
Total Personnel Hours per Week	116.5
Special Prosecutor	Yes
Caseload Distribution and Totals, 2008	
Penal Law	298
Vehicle and Traffic Law	2,658
Civil	98
Other	217
Case Transfers and Dismissals	1,853
Arraignments for other courts	9
Caseload Totals	5,133
Miscellaneous Information	
Facility Information	The new facility has adequate courtroom and meeting space. Court staff said that security is acceptable but could be improved.
OCA JCAP Utilization	
Distance to Adjacent Municipalities	Town of Woodstock (10.1 miles, 16 min), Town of Ulster (8.8 miles, 17 min)
Distance to County Stakeholders	Sheriff (13.5 miles, 18 min), DA (12.1 miles, 16 min), PD (11.9 miles, 15 min) Probation Director (12.4 miles, 14 min)
State Revenue Rank, 2008	136
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-2007	1.4%
Cost Per Case, 2008	\$35.84

## Town of Shawangunk Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	2 (1 Full-Time, 1 Part-time)
Office Hours	M-F, 9-4 (31.25)
Court Hours	M and T, 7:00 (3.25)
Justice Hours per Week	3.25
Clerk Hours per Week	51.5
Total Personnel Hours per Week	54.75
Special Prosecutor	No
Caseload Distribution and Totals, 2008	
Penal Law	178
Vehicle and Traffic Law	1,272
Civil	81
Other	65
Case Transfers and Dismissals	779
Arraignments for other courts	14
Caseload Totals	2,389
Miscellaneous Information	
Facility Information	The court is moving to a new facility, which will have enhanced security arrangements, a better courtroom, and space for conferences.
OCA JCAP Utilization	Safe, filing cabinets, computers, shredder, tables, and attachable courtroom chairs
Distance to Adjacent Municipalities	Town of Plattekill (7.8 miles, 14 min), Town of Gardiner (8.1 miles, 15 min), Town of Wawarsing (19.3 miles, 34 min)
Distance to County Stakeholders	Sheriff (25.1 miles, 50 min), DA (31.6 miles, 50 min), PD (31.4 miles, 49 min), Probation Officer (31.8 miles, 48 min)
State Revenue Rank, 2008	339
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	1.3%
Cost Per Case, 2008	\$30.23

## Town of Ulster Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	6 (4 Full-Time, 2 Part-Time)
Office Hours	M- F, 9-5 (40)
Court Hours	Complex (20)
Justice Hours per Week	20+
Clerk Hours per Week	200
Total Personnel Hours per Week	220
Special Prosecutor	Yes (Town Attorney)
Caseload Distribution and Totals, 2008	
Penal Law	965
Vehicle and Traffic Law	7,886
Civil	117
Other	475
Case Transfers and Dismissals	1,706
Arraignments for other courts	74
Caseload Totals	11,223
Miscellaneous Information	
Facility Information	The court has a variety of safety equipment, and a security officer is provided by the town. The courtroom has recently been remodeled, although court staff report that storage space should be increased.
OCA JCAP Utilization	Recording devices, metal detector, scanner, bullet proof windows, and courtroom remodeling
Distance to Adjacent Municipalities	Town of Saugerties (8.8 miles, 17 min), Town of Woodstock (12.4 miles, 20 min), Town of Kingston (2.6 miles, 6 min), Town of Hurley (5.8 miles, 9 min), Town of Rosendale (13.5 miles, 23 min), Town of Esopus (6.1 miles, 12 min), City of Kingston (5.4 miles, 11 min)
Distance to County Stakeholders	Sheriff (6.3 miles, 11 min), DA (4.8 miles, 9 min) PD (4.7 miles, 8 min), Probation Director (5.1 miles, 8 min)
State Revenue Rank, 2008	42
Court Fiscal Solvency, 2007	Solvent
Court as a % Total of Municipal Expenses, 2005-07	1.7%
Cost Per Case, 2008	\$22.66

## Town of Wawarsing Justice Court Profile

Court Operations and Personnel (Current)	
Justices	2 (Attorney; Non-Attorney)
Clerks	2 (Full-Time)
Office Hours	M to Th, 8:00 to 4:00; F, 7:00 to 3:00 (40)
Court Hours	W at 1 and Fri at 830 AM (6)
Justice Hours per Week	6
Clerk Hours per Week	70
Total Personnel Hours per Week	76
Special Prosecutor	Yes
Caseload Distribution and Totals, 2008	
Penal Law	178
Vehicle and Traffic Law	1,727
Civil	91
Other	228
Case Transfers and Dismissals	728
Arraignments for other courts	3
Caseload Totals	2,955
Miscellaneous Information	
Facility Information	The court has a wand, but is unable to use it. Other security measures are reportedly being examined. Court staff said the courtroom lacks seating, but meeting space is sufficient.
OCA JCAP Utilization	Wand and computers
Distance to Adjacent Municipalities	Town of Denning (23.7 miles, 51 min), Town of Rochester (10.6 miles, 17 min), Town of Gardiner (20.6 miles, 25 min), Town of Shawangunk (19.3 miles, 34 min)
Distance to County Stakeholders	Sheriff (27.7 miles, 40 min), DA (28.5 miles, 39 min), PD (28.3 miles, 38 min), Probation Director (28.8 miles, 37 min)
State Revenue Rank, 2008	372
Court Fiscal Solvency, 2007	Deficit
Court as % of Total Municipal Expenses, 2005-07	1.5%
Cost Per Case, 2008	\$49.07

**Appendix A:  
Justice Court Restructuring Options**

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<b>Restructuring Option</b>	<b>Pertinent Restructuring Law and Procedure</b>
<b>Village Court Dissolution</b>	If an embedded village wishes to, it may dissolve its justice court. Once a village board of trustees has approved the dissolution of its court, the decision is subject to permissive referendum. Any resolution to dissolve a village court cannot be implemented until the current term of the village justice expires. The town justice court then assumes full adjudicative responsibilities, remitting fines from village law and ordinances to the village, but keeping fines related to vehicle and traffic law and criminal offenses.
<b>Reduction of Justices in a Town</b>	A town may, subject to permissive referendum, pass a board resolution and approach the State Legislature to ask that it have its number of justices reduced from two to one if there is not sufficient caseload to require two justices. In Ulster County, the Towns of Hardenburgh, Denning, and Kingston have successfully petitioned the Legislature to reduce justices from two to one.
<b>Full Consolidation (Two or More Justices)</b>	To begin the process, each participating town needs to either adopt a resolution or receive a public petition to hold a joint public hearing with all town boards. The petition would then need to be passed by both town boards. If the petition is passed, it must then be presented as a public referendum for passage. As noted above, each participating town must eliminate one judgeship. The municipalities must then approach the State Legislature and Governor to have approved the reduction and extended jurisdiction of their judges. This is due to the poor conception of UJCA 106. When the unified justice court is established, the remaining justices must maintain separate records for the cases originating in each town. In turn, these records are reported to OSC individually.
<b>Joint Election of a Justice</b>	The Legislature also permits town justice courts to share a judge. To do this, towns must be adjacent to one another and within the same county. This process is initiated when both town boards pass a resolution to conduct a study of electing a joint judge. The specifics and requirements of these studies are not explicated. If a study is approved, it must be published in an area newspaper within 30 days, and then a public hearing held in all involved towns between 20 and 30 days later. Next, town boards must approve the development of a plan to create a system of election and service of a joint judge. The adoption of this plan represents yet another step. The plan must entail the elimination of a judge's office in each town and a plan to elect this joint justice at the next general election. Involved town governments must submit a municipal home rule message to the State Legislature. This message needs to be approved by the State Legislature before any action can be taken. Once approved and a single judge elected, this judge has jurisdictions in all involved towns, but maintains different records and financial transactions (revenues accrue to town where an infraction originated).
<b>Joint Facility Sharing</b>	The Legislature permits town justice courts to share a facility without merging the courts. The process has not yet been standardized, and occurs through a special request to the Legislature.
<b>Full Consolidation (One Justice for Two or More Municipalities)</b>	Multiple adjacent municipalities may also go through the requisite preliminary steps of board resolutions and public referendum and approach the State Legislature to request that a single justice preside over the full set of participating municipalities out of a single court facility. This arrangement is being established in Lewis County among the towns of Pinckney, Harrisburg, and Montague.

**Appendix A:  
Justice Court Restructuring Options**

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<b>District Courts</b>	<p>The New York State Constitution permits for the establishment of district courts that can cover an entire county, or any area within a county, so long as all participating cities and/or towns are contiguous. Any combination of contiguous town and city justice courts may pursue this option. Once established, these courts are granted the same status and jurisdiction as the justice courts that preceded them. These districts courts are not to exceed the jurisdiction of the courts for New York City, which are listed in section 15 of Article 6 (The Judiciary) in the Constitution.</p> <p>To effectuate this option, the elective governing body of any county outside New York City may make a request of the State Legislature to establish a district court (containing, as noted above, all or a portion of the county). Once such a request has been made, the voters of all involved cities and all involved towns must each pass a referendum at the next general election. To be more precise, those residing within any city boundary are considered a single voting block, and those residing outside of a city vote as a single block.</p> <p>Each such court is required to have at least one judge per involved district. The Constitution leaves to statute the regulation of additional judges, though does direct that to the “extent practicable” the number of judgeships be dependent on population and volume of judicial business. Judges are to be residents of the district in which they preside, are elected by residents of that district, and serve a term of six years. The last provision of the constitutional law that governs the establishment and practice of district courts states that the State Legislature retains the prerogative to regulate and discontinue the district court in any county.</p>
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## Appendix B: Fringe Benefit Options

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### Justice Court Fringe Benefit Variations and Salary Assessments

The fringe benefits provided to justice court personnel, and additional salary assessments paid by municipalities vary among and within courts. The list of potential fringe benefits includes health insurance, dental insurance, vision insurance, longevity increases, and life insurance. Unemployment insurance, workers' compensation, FICA and Medicaid are assessed on salaries. In addition:

- Municipalities have discretion and options with respect to most fringe benefits. For example, health insurance is not mandated for justices and most court clerks (it is required for civil service clerks), and health care buyouts are offered in some cases. A number of other benefits are often provided, though not required, including life insurance and longevity increases.
- Municipalities also have options for how they provide certain required assessments on salary. For example, municipalities can use a private vendor to insure workers' compensation or self-insure.
- Unemployment insurance payments made on behalf of court personnel are variable, and depend upon the number of laid-off workers in a municipality. Those municipalities with lower numbers of lay-offs will have lower unemployment insurance payments to make to the state.
- FICA and Medicaid assessments are fixed and mandatory.

**Appendix C**  
**Summary of NYS Justice Court Restructuring Activities**

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**Location:** Genesee County, NY  
**Date:** 2009  
**Participants:** Towns of Elba, Oakfield, and Batavia  
**Agenda:** Shared facility  
**Status:** Successful

**Agenda:**

The towns of Elba, Oakfield, and Batavia have deteriorating court facilities. None of the three towns is in a position to erect a new courthouse containing the features needed in a full service, contemporary justice court. The towns have petitioned the Legislature for permission to build a single court facility to be shared by the three towns, at a location to be determined in the future, using pooled resources.

**Status:**

The request has been submitted to the Legislature. At the date of publication, the request has been approved and signed into statute.

**Location:** Lewis County, NY  
**Date:** 2009  
**Participants:** Towns of Pinckney, Montague, and Harrisburg  
**Agenda:** Consolidate courts, shared facility  
**Status:** In progress

**Agenda:**

These three towns, located in the Tug Hill Plateau region, have been sharing a single justice on an interim basis since 2007. The town of Montague has been served by the Pinckney justice from 1998 until the justice's retirement in 2007, as a consequence of having no candidates interested in serving as justice in Montague. Since 2007, the Harrisburg justice rides circuit in all three towns. The towns have decided to make the merged court arrangement permanent, issuing separate requests to the legislature to allow each municipality to share a justice and a facility in Harrisburg (current law does not permit both actions).

**Status:**

The NYS Senate has approved an amendment to the Uniform Justice Court Act to allow two or more adjacent towns with a single justice to use a single court facility. The NYS Assembly will vote on the matter when they reconvene in January. To date, the Legislature has been very supportive of all petitions on justice court restructuring that have been submitted, and the request has the support of the Office of Court Administration.

**Appendix C**  
**Summary of NYS Justice Court Restructuring Activities**

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**Location:** Franklin County, NY  
**Date:** 2008  
**Participants:** Town of Malone; Village of Malone  
**Agenda:** Village justice court dissolution  
**Status:** Successful

**Agenda:**

The Town and Village of Malone began a dialogue in 2006 on the dissolution of the village court with the town absorbing village cases. At the time that discussions began, both courts were operating at a financial loss. The village court facility was located in an historic building in the business district that was in need of extensive, and expensive, refurbishing. Developers indicated an interest in purchasing the courthouse and turning it into space for business and residential use. This was an important consideration as the business climate was undergoing a resurgence, and selling the courthouse would add to the commercial space available.

**Status:**

Two state programs were instrumental in the realization of the village justice court dissolution. The first, the State Comptroller's \$SMART Review Program, was used to identify opportunities for intermunicipal cooperation and consolidation. The two municipalities also received an SMSI grant from the Department of State to support dissolution and transfer activities. The village facility was sold as planned, and the Department of Public Works transferred files and equipment to the town justice court offices.

**Location:** Livingston County, NY  
**Date:** 2008  
**Participants:** Town of Avon; Village of Avon  
**Agenda:** Facilities sharing  
**Status:** Successful

**Agenda:**

The Town and Village of Avon had previously operated out of separate facilities, while sharing a single court clerk and deputy clerk. The court clerk experienced some logistical difficulty and efficiency issues in coordinating responsibilities at the separate facilities. For example, upon finishing duties at one office, she could not go to the other office until a set time, leaving her with empty time. The acquisition of facility equipment was also redundant. An good working relationship and consistent dialogue between members of the town and village governing boards was instrumental in the development of this initiative.

**Status:**

The two municipalities are currently renovating the facility that will house their respective justice court offices. Until completed, the town justice court will operate out of village facilities. With the support of

**Appendix C**  
**Summary of NYS Justice Court Restructuring Activities**

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both municipal boards, funding was acquired from multiple sources. The Justice Court Assistance Program, administered by the Office of Court Administration (OCA), provided \$21,000 in grant money (no matching funds were required). Monies were also provided through SMSI, the State Historical Preservation Office, and member item gifts from state legislators. The court clerk's time management is now much enhanced, and the deputy clerk is able to work fewer hours (a source of cost-savings). Additionally, there has been a reduction in the duplicative purchasing and logistics have been simplified for citizens and other officials.

<b>Location:</b>	<b>Rensselaer County, NY</b>
<b>Date:</b>	<b>2008</b>
<b>Participants:</b>	<b>Town of Hoosick; Village of Hoosick Falls</b>
<b>Agenda:</b>	<b>Village justice court dissolution</b>
<b>Status:</b>	<b>Rejected</b>

**Agenda:**

The mayor and members of the board in the Village of Hoosick Falls were the impetus for this action. They felt that dissolving the village justice court would result in cost-savings and make court operations for convenient for citizens. The town and village jointly hired a consultant to suggest opportunities for cooperation and consolidation, but little in the way of justice court restructuring emerged.

**Status:**

The village board did pass a resolution on dissolving its justice court, putting it to referendum. Village residents rejected this referendum, and no further action was taken. Possible explanations for the rejection include the perception that the two courts address different types of matters because the jurisdictions they cover have different population levels, housing stock, and issues generally.

<b>Location:</b>	<b>Madison County, NY</b>
<b>Date:</b>	<b>2007</b>
<b>Participants:</b>	<b>Multiple towns and villages</b>
<b>Agenda:</b>	<b>Resource sharing and consolidation</b>
<b>Status:</b>	<b>Tabled</b>

**Agenda:**

In May of 2007, municipal leaders in Madison County gathered to discuss justice court integration options, among other restructuring possibilities. Participants discussed a range of options, from resource-sharing to full consolidation. The involved municipalities began conversations with the intention of applying for a Shared Municipal Services Incentive (SMSI) grant.

A number of town officials identified justice courts as an area ripe for restructuring because the costs of operating courts were exceeding revenues. One town, for example, had taken in only \$340 over the course

## Appendix C

### Summary of NYS Justice Court Restructuring Activities

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of one year, while expending several thousand dollars on their justices and clerk. Other town officers present were receptive to the merging of justice courts (which would require each participating town to lose one judgeship).

**Status:**

To date, no broad, inclusive progress has been made on this initiative (general restructuring or justice court restructuring). Involved municipalities did not submit an SMSI application. Municipal officials felt that implementing restructuring agendas was too procedurally difficult, requiring a series of governing board resolutions and then public referenda. That such an effort would result in contentious relations within and among municipalities seemed not to be a chief concern. Officials voiced hope that the state would enact legislation making municipal consolidation a more simple process, and one possible without public referenda.

<b>Location:</b>	<b>Madison County, NY</b>
<b>Date:</b>	<b>2007</b>
<b>Participants:</b>	<b>Town of Eaton; Village of Morrisville</b>
<b>Agenda:</b>	<b>Resource sharing</b>
<b>Status:</b>	<b>Successful</b>

**Agenda:**

The town and village have an agreement that has both formal and informal characteristics. A single courtroom is shared by the justice courts, located in town facilities. The town does not charge the village for use of the facility. Officials feel that the village is helpful to the town in other ways, including paying the Sheriff to conduct village as well as town patrols. The two justice courts, in addition to sharing a courtroom, have a single clerk, paid jointly by the two municipalities. Court is in session once a week, and the same computer system serves both justice courts (separate records are maintained for each court).

**Status:**

This has been a longstanding arrangement, and seemingly operates smoothly. Both justice courts retain their own corporate identity, and the attendant dockets, records, accounts, and audits.

<b>Location:</b>	<b>Orleans County, NY</b>
<b>Date:</b>	<b>2005</b>
<b>Participants:</b>	<b>Town of Ridgeway; Town of Shelby</b>
<b>Agenda:</b>	<b>Justice court consolidation</b>
<b>Status:</b>	<b>Successful</b>

**Agenda:**

The idea to merge the justice courts of the Towns of Ridgeway and Shelby was initially presented by a deputy supervisor of one of the towns. The plan that emerged called for the reduction of justices from a total of four to a total of two, and a reduction of court clerks from four to two. Each town was to pay the salary of one of the judges, and the town hosting the facility was to be provided \$200 per month in rent from the other. One of the clerks worked for both towns, and needed to be formally appointed by both. A somewhat contentious debate developed, with the conventional arguments for consolidating or not

**Appendix C**  
**Summary of NYS Justice Court Restructuring Activities**

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consolidating. Two justices threatened legal action, fearing the abolition of their positions prior to the end of their terms. Ultimately, no such action was taken (but a town attorney did make reference to conflicting law between Town Law and the UJCA).

**Status:**

With resolutions adopted by both town governing boards, public referenda were held and approved by rather narrow margins (322 to 277 and 517 to 371). In the first year of consolidated justice court operation, total cost-savings for Ridgeway and Shelby are estimated at \$13,000 (falling somewhat short of the initial estimate of \$20,000). There have been no negative issues thus far, one judge commented that customer service has been improved, and the Sheriff's office has realized savings from the merger.

<b>Location:</b>	<b>Saratoga County, NY</b>
<b>Date:</b>	<b>2004</b>
<b>Participants:</b>	<b>Town of Stillwater; Village of Stillwater</b>
<b>Agenda:</b>	<b>Village justice court dissolution</b>
<b>Status:</b>	<b>Successful</b>

**Agenda:**

The Village of Stillwater's justice court was incurring increasing operational costs, and officials were committed to not raising taxes. This motivated village officials to investigate the option of justice court dissolution. The village court operated only once each month, and the town justice court was in a very accessible, nearby location. In addition to reducing total governmental costs, dissolving the village court would open up seldom used space for other purposes.

**Status:**

The resolution to dissolve the village's justice court was successful, and the process described as smooth. Very few residents attended the public hearings; those who did attend wondered how the cases and fees emerging from the village would be processed (most revenues from village infractions are remitted to the village; there are some exceptions). The sitting village judge was retiring, and the loss of a village official-employee did not become an issue. The town did increase the court clerk's pay, as a result of the increased caseload under the new arrangement.

<b>Location:</b>	<b>Warren County, NY</b>
<b>Date:</b>	<b>1990's</b>
<b>Participants:</b>	<b>Town of Lake George; Village of Lake George</b>
<b>Agenda:</b>	<b>Village justice court dissolution</b>
<b>Status:</b>	<b>Successful</b>

**Agenda:**

In the late 1990's, the lone judge in the Village of Lake George sought to retire from his position. Given three conditions—the village had dissolved its police force, there was no need to expel of a specific public

**Appendix C**  
**Summary of NYS Justice Court Restructuring Activities**

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servant, and there no longer existed a relationship or agreement between the police and justice court on enforcement values—the Village trustees pursued justice court dissolution.

**Status:**

The Village of Lake George approached the Town about the dissolution, and the two agreed to apply for state grant money to support the logistics of transferring operations to the town. All village case files were given to the town clerk, and no additional judges were needed in the town. The village retains “peace officers” who issue parking tickets, which are provided to the town justice court for processing. The village provides administrative support staff to the town to process these tickets.

**Appendix D**  
**Key Justice Court Dimensions**

<p style="text-align: center;"><b>Roles and Responsibilities of Court Clerks</b></p>	<ol style="list-style-type: none"> <li>1. <b>Case and Court Processing and Recording:</b> Clerks facilitate the entire range of court functions and procedures, processing tickets and accusatory instruments, maintaining court calendars, administering court sessions, recording and processing case dispositions, keeping computer and physical records. Some clerks appear at off-hour arraignments.</li> <li>2. <b>Stakeholder Coordination and Communication:</b> Clerks act as the court liaison to county and local stakeholders, including the Sheriff, District Attorney, Probation Office, and Public Defender's Office, and local police, coordinating their various responsibilities and appearances with the schedule of the court (including arraignments, preliminary hearings, trials); there are lots of moving parts in cases, particularly criminal cases, and clerks have to bring them into harmony; Of course, this also consists of keeping plaintiffs and defendants apprised of court procedures and scheduling</li> <li>3. <b>Financial Management, Processing, and Reporting:</b> Many cases that come before justice courts have financial management aspects, which are almost always the responsibility of court clerks; Clerks record financial transactions and provide receipts, manage and reconcile justices' bank accounts (each justice has his or her own account), remit monies to county and state government, maintain financial records (primarily using computer software), and complete monthly financial reports for OSC</li> <li>4. <b>Budget Planning and Office Procurement:</b> Clerks are often responsible for drafting justice court budgets, which are presented to municipal governing boards; they are also the procurement officers of the justice courts, ordering and managing the resources needed for court operations (this includes researching, writing, and submitting grant applications for JCAP)</li> <li>5. <b>Customer Service and Public Information:</b> Clerks are the public face of the justice courts; they provide citizens with needed information on procedures and requirements, helping them understand and navigate the justice courts</li> </ol>
<p style="text-align: center;"><b>Measuring Court Efficiency and Operations: Perspectives of Justices and Clerks</b></p>	<ol style="list-style-type: none"> <li>1. <b>Case Processing Time/Backlog:</b> Clerks seek to contact stakeholders and schedule case proceedings as quickly as possible, and justices want their cases to be resolved in a reasonably timely fashion; however, it is very important that citizens understand court procedures, as well as all their options; citizens should also feel that they have been heard, and that their cases have been given careful consideration; However, if the calendar is not kept relatively up-to-date, citizens will wait longer for their cases to be resolved</li> <li>2. <b>Fast-Moving Court Sessions:</b> Justices also do not want stakeholders to experience long waits at the courthouse; they are sensitive to people's time, as well as the costs of legal representation and the obligations that attorneys, police, and public officials might have at other justice courts</li> <li>3. <b>Positive Feedback and Minimal Appeals:</b> Clerks look for positive feedback on the customer service they provide, which is usually a reflection of their clerical efficiency and ability to provide accurate and precise information to citizens; some justices feel that a low number of appeals is an indication of court competency and fairness (this also decreases caseloads of higher courts).</li> <li>4. <b>Citizen-Centric Efficiency:</b> Justices worry that placing too much emphasis on efficiency can compromise the court's work (the dispensation of fair and equitable justice); attorney justices feel that their legal training is very important for achieving fair and equitable outcomes, particularly in complex criminal matters – there is a concern that quick decisions by non-attorney justices might be indicative of a failure to apply pertinent case law (to the detriment of those coming before the court)</li> </ol>
<p style="text-align: center;"><b>Court Facility Issues</b></p>	<ol style="list-style-type: none"> <li>1. <b>Space:</b> Courtrooms often do not have sufficient seating capacity, causing people to stand as they wait (sometimes in lines that extend outside); have limited or no meeting and deliberation rooms, and lack storage and office space (some offices and courtrooms are too small for clerks to work in simultaneously); virtually all justice courts in Ulster County do not have holding cells for criminal defendants</li> <li>2. <b>Conditions:</b> Some court facilities have become run down; this at times has resulted in serious structural damage, and the potential for loss of important court documents</li> <li>3. <b>Security:</b> A number of courts do not have adequate security arrangements; some courtrooms do not have enough security officer coverage, which can prevent the justices courts from using the wands and metal detectors provided by OCA; clerks also voiced concerns about their personal safety during regular office hours – while some offices have security and bulletproof windows, others offer no separation between clerks and citizens (who can at times be belligerent and unpredictable); co-location of a justice court and police department reduce these concerns</li> <li>4. <b>Sharing:</b> Justice court space is often shared with other municipal offices; this can be mutually disruptive when court takes place alongside other activities – it can also compromise privacy; the offices of non-judicial staff are sometimes needed for court-related meetings, which displaces those employees; the presence of criminal defendants in general municipal offices can also make staff and citizens feel uncomfortable</li> <li>5. <b>Parking:</b> Some facilities lack sufficient parking space, causing those with court (or other) business to park offsite in sometimes inconvenient places</li> </ol>

## Appendix E: Justice Court Resources

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### **Reports on Justice Court Restructuring and Reform**

The Fund for Modern Courts. 2008. *Enhancing the Fair Administration of Justice in New York's Towns and Villages through Court Consolidation*.

[http://www.moderncourts.org/documents/justice\\_courts\\_08.pdf](http://www.moderncourts.org/documents/justice_courts_08.pdf)

New York State Department of State. *Shelby-Ridgeway Town Court Merger Case Study*.

<http://www.dos.state.ny.us/lgss/sharedservices/smsicasesstudies/FullCaseStudies/Shelby-Ridgeway%20Town%20Court%20Merger.pdf>

New York State Office of the State Comptroller, brochure, *Justice Court Consolidation*.

<http://www.osc.state.ny.us/localgov/costsavings/justicecourtbrochure.pdf>

New York State Office of the State Comptroller. 2003. *Opportunities for Town and Village Justice Court Consolidation*.

<http://www.osc.state.ny.us/localgov/audits/swr/2003mr4.pdf>

The Special Commission on the Future of New York State Courts. 2008. *Justice Most Local*.

[http://www.nyslocalgov.org/pdf/Justice\\_Most\\_Local.pdf](http://www.nyslocalgov.org/pdf/Justice_Most_Local.pdf)

Unified Court System. 2006. *Action Plan for the Justice Courts*.

<http://www.courts.state.ny.us/publications/pdfs/ActionPlan-JusticeCourts.pdf>

Unified Court System. 2008. *Action Plan for the Justice Courts, Two Year Update*.

<http://www.courts.state.ny.us/whatsnew/pdf/JusticeCourts2YearUpdate9-08.pdf>

### **1. Sample Justice Court Audit Reports**

New York State Office of the State Comptroller. 2009. *Report of Examination: Town of Genesee, Town Justice Cheryl D. Napora*.

<http://www.osc.state.ny.us/localgov/audits/towns/2009/genesee.pdf>

New York State Office of the State Comptroller. 2009. *Report of Examination: Town of North Hudson, Justice Court*.

[http://www.osc.state.ny.us/localgov/audits/towns/2009/north\\_hudson.pdf](http://www.osc.state.ny.us/localgov/audits/towns/2009/north_hudson.pdf)

New York State Office of the State Comptroller. 2007. *Report of Examination: Town of Ashford, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/2007/towns/ashford.pdf>

New York State Office of the State Comptroller. 2007. *Report of Examination: Town of Barre, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/2007/towns/barre.pdf>

New York State Office of the State Comptroller. 2006. *Report of Examination: Town of Burns, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/2006/towns/burns.pdf>

New York State Office of the State Comptroller. 2006. *Justice Courts Accountability and Internal Control Systems.*

<http://www.osc.state.ny.us/localgov/audits/swr/2005mr10.pdf>

## **2. Justice Court General Information**

New York State Magistrates Association. *New York State Town & Village Justices Brochure.*

<http://nysmagassoc.homestead.com/Brochure.pdf>

New York State Office of the State Comptroller. 2006. *Handbook for Town and Village Justices and Court Clerks.*

[http://www.nycourts.gov/reports/security/SecurityTaskForce\\_Report.pdf](http://www.nycourts.gov/reports/security/SecurityTaskForce_Report.pdf)

The Task Force on Court Security. 2005. *Report to the Chief Judge and the Chief Administrative Judge.*

[http://www.nycourts.gov/reports/security/SecurityTaskForce\\_Report.pdf](http://www.nycourts.gov/reports/security/SecurityTaskForce_Report.pdf)

## **3. Important Websites and Contact Information**

### **Association of Towns of the State of New York**

Phone: (518) 465-7933

[www.nytowns.org](http://www.nytowns.org)

### **The Fund for Modern Courts**

(212) 541-6741

[www.moderncourts.org](http://www.moderncourts.org)

### **New York State Associate of Magistrates Court Clerks**

(516) 599-0722

[www.nysamcc.com](http://www.nysamcc.com)

### **New York State Defenders Association**

(518) 465-3524

<http://www.nysda.org/>

**New York State Magistrates Association**

(800) 669-6247

[nysmagassoc.homestead.com](http://nysmagassoc.homestead.com)

**New York State Office of Court Administration, Justice Court Resource Center**

(800) 232-0630

**New York State Office of the State Comptroller, Justice Court Fund**

(518) 473-6438

**Unified Court System Justice Court Site**

[www.nycourts.gov/courts/townandvillage/](http://www.nycourts.gov/courts/townandvillage/)

## Endnotes

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<sup>a</sup> The Special Commission on the Future of New York State Courts, *Justice Most Local: The Future of Town and Village Justice Courts in New York State (2008)* (hereafter “*Justice Most Local*”), available at [www.nyslocalgov.org/pdf/Justice\\_Most\\_Local.pdf](http://www.nyslocalgov.org/pdf/Justice_Most_Local.pdf).

<sup>b</sup> OCA does, however, administer the Justice Court Assistance Program (JCAP), which provides grants of up to \$30,000 so that justice courts may update their equipment and facilities. OCA also has a unit dedicated to auditing justice courts, and has expanded its staff in the last few years.

<sup>c</sup> Established under Article VI, section 22 of the State Constitution.

<sup>d</sup> *Justice Most Local*.

<sup>e</sup> While OSC provides local officials guidelines for general fiscal and programmatic oversight practices, OSC and/or OCA might consider issuing special guidelines for the oversight of justice courts, which, as a separate branch of local government, are different from other local government entities; this unique relationship can make both justices and municipal officials uncomfortable with closer but necessary oversight.

<sup>f</sup> Tickets for speeding or moving violations can be reduced to 1110a (failure to obey a traffic sign) or 1201a (parking on the pavement).

<sup>g</sup> Municipalities tend to report employee benefit expenses in an undistributed manner, rather than reporting those costs by individual governmental office (i.e. justice courts).

<sup>h</sup> The OSC data also leaves out the justice court share of facility expenses, like utilities, insurance, etc. Also, the two largest components in fringe benefits are typically health insurance and pension payments, both of which are likely to increase.

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<sup>i</sup> IGSP was able to gather full fringe benefits data in three municipalities, which added 21, 23, and 30 percent, respectively to the total justice court expenditures.

<sup>j</sup> Clerk salaries were averaged within a municipality.

<sup>k</sup> In part, the lack of reporting is attributable to the clumsiness of the data system. In some towns, the administrative load carried by the clerks also prohibits spending time on reporting.