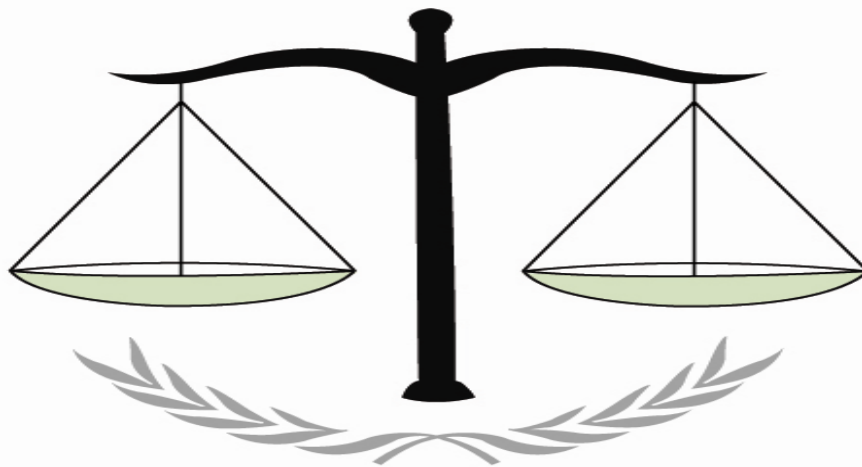


Intergovernmental Studies Program

Justice Courts Restructuring Study: A Report for the Delaware County Towns of Andes and Bovina

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Intergovernmental Studies Program

Rockefeller College of Public Affairs and Policy
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EXECUTIVE SUMMARY

The justice court portion of the Andes-Bovina shared services study was completed by the Intergovernmental Studies Program (IGSP), University at Albany. The study seeks to provide concrete and actionable information to support Town decision making on how to best organize and operate their justice courts. The study provides an overview of the justice court system, and important contextual information on Andes and Bovina. On this foundation, the study then provides the details of its findings on fiscal and workload data, and offers recommendation for the consideration of court and town officials.

While IGSP's work focused mostly on the courts in Andes and Bovina, data was also collected on court costs and operations for the remaining 21 justice courts located in Delaware County. Twelve of these twenty-one courts had net fiscal losses in each of 2007, 2008, 2009, and fiscal-operational efficiencies varied greatly. Andes and Bovina were among the municipalities to have justice courts that operated with an expenditure to revenue deficit, requiring additional funding to operate, during the years of record. Court facilities in Andes and Bovina are very much in need of improvement, and officials are open to restructuring options that improve the court environment and create efficiencies.

IGSP offers a number of different court restructuring recommendations, and as a baseline, suggests a more active oversight role for the town boards. Two of the options point to co-location or mergers of the Andes and Bovina courts. The study also extends beyond Andes and Bovina in considering options, identifying more extensive restructuring designs that could incorporate additional justice courts.

To undertake this study, IGSP collected and analyzed court financial and caseload data, interviewed town and judicial officials, examined recent justice court audits, and reviewed a set of pertinent court-related reports and law. Much of this information, if not in the body of the report, can be found in the appendix. The appendix also contains process overviews for court restructuring, case examples of other justice court restructuring efforts in NYS, and contact information for public and private organizations with justice court interests.

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Overview

This report examines opportunities for shared services and restructured justice court operations between the towns of Andes and Bovina. These adjacent towns are located in Delaware County in New York State's southern tier. The funding for this study was provided by the New York Department of State's Local Government Efficiency (LGE) grant program.

To arrive at a set of shared service and court restructuring options, the Intergovernmental Studies Program (IGSP) examined local justice court issues and conditions, gathered information about specific costs and operations, and discussed the needs of the Andes and Bovina courts with town officials and justices. Study methods are presented in more detail below.

The study is divided into four narrative sections. The first section offers a brief overview of the justice court system, addresses some contemporary justice court issues, and outlines statutory options for court restructuring. The second section looks at current conditions in Andes and Bovina, and the justice court environment in each municipality. Findings on justice court caseload and financial position comprise the third section. Section four offers a set of recommendations that speak to the potential for shared services, internal efficiencies, and local oversight of the courts. The report also includes a set of appendices containing detailed information about justice court restructuring options, examples of court restructuring from other regions of the state, and links to pertinent resources and information.

Assessment Methods

To fulfill the primary project goals, IGSP used primary source data for caseload analysis and fiscal summaries, reviewed relevant executive and legislative documents pertaining to the justice court system statewide, gathered local demographic and geographic information, and conducted interviews. The study effort was enriched by the extensive background on justice court issues, reforms, and restructuring that the IGSP team acquired in earlier project work.

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

Document review: The team reviewed recent justice court audits issued by OSC, security audits by the Office of Court Administration, and legislation pertaining to justice courts.

Interviews: Semi-structured interviews were conducted with town supervisors and justices. Interviews lasted approximately 45 minutes in length. These interviews were summarized and incorporated into the analysis of options.

Introduction

An examination of statewide efforts to reduce costs and consolidate services in local governments shows that justice courts were typically excluded from the services under consideration. There are few examples of court restructuring before 2007, but this is no longer the case. In the past, justice courts were less central to consolidation activities because in most cases, court operating funds account for a very small percentage of overall municipal expenditures. The return on the assessment effort would be modest compared to an equivalent examination of more costly services. Other factors also help explain the lack of systematic review of courts as a service area. Perhaps most significantly, local officials are leery of intruding into court operations, seeing an examination of court activity as interfering with the independence of the judiciary. As a consequence, the operations of courts are not well understood, making efficiency assessments that much more difficult. Also, because justice courts return revenue to the municipality, officials often assumed that justice court revenues offset their costs. It is also true that justice courts in New York State generally work well

and are not often the target of citizen complaints. Given this set of factors, it should not be surprising that local officials have allocated their time and energies elsewhere.

Nonetheless, during economic difficulties, all local services, including the justice courts, are likely to be examined for cost-savings possibilities. An assessment of court operations also allows officials an opportunity to improve quality and professionalism in the services rendered. The New York State Legislature has expanded justice court consolidation options and is in the process of simplifying some steps involved. In order for local officials to determine if justice court restructuring or service sharing makes sense for their municipality, they need to understand court operations and costs, then assess whether they are spending an appropriate amount to maintain a safe, effective, and efficient court.

Section I: Overview of the Justice Court System

The first section of this study describes the justice court environment in New York State, recent changes that affect local courts, and restructuring options within state statutes.

Domain and Case Activity of the Justice Courts in NYS

Justice courts adjudicate offenses under penal, vehicle and traffic (V&T), civil and other laws, where the charges fall below the level of felony. Justice courts also conduct arraignments for felony offenses occurring anywhere in the county, and can handle arraignments on lesser offenses, but only for adjacent municipalities.

Typically, vehicle and traffic violations are the most numerous cases heard in a justice court, followed by penal law cases. Caseload data show that in 2008, vehicle and traffic cases comprised nearly 78% of the overall court activity in Delaware County.¹ Case distribution is largely a function of municipal characteristics, dependent on such things as population density, roadway design and function, and commercial concentrations. Justice courts interact regularly, at times on a daily basis, with county officials, including the district attorney, probation department, sheriff's department, and the public defender's office, and with a variety of service providers. Justice court cases have different levels of complexity and county involvement, and accordingly require varying amounts of court time and resources. Justices report that a fully adjudicated penal case can easily absorb 3-4 times as many work hours as a traffic case.

Justice Court Finance and Governance

Funding and oversight of justice courts are dispersed among state authorities and local governments. While municipalities have chief funding responsibility for the courts, the Legislature provides resources through the Justice Court Assistance Program (JCAP) under the Office of Court Administration (OCA). OCA also provides security and facility consultations, and periodically audits justice courts. The Office of the State Comptroller (OSC) also audits justice courts, and its Justice Court Fund (JCF) collects case data and financial information each month. The Commission on Judicial Conduct (CJC) investigates alleged judicial impropriety, but is not a proactive body like OCA and OSC.

Governing boards are required to audit justice courts on an annual basis or outsource a private audit. Officials may request information on financial matters and caseload at any time they wish. OSC has repeatedly urged board members to more actively oversee their justice courts, citing frequent audit findings of financial mismanagement and weak internal controls.

Governing boards provide and maintain justice court facilities and decide on staffing levels and compensation (however, towns are statutorily required to have two justices, unless they follow procedures for increasing or decreasing justice levels). And while the state does provide a variety of supports to justice courts through OCA, it does not set minimum standards on compensation, facilities, security, or general administration. Governing boards may also set court hours of operation, but those decisions are often left to the justices.

The constitutional and statutory laws governing justice courts, and court consolidation, can be found in **Appendix C and Appendix F**.

¹ Based on in-house case loads reported to OSC in 2008

The Role of Justice Court Clerks

Court clerks have responsibility for a variety of critical, complex, and often stressful tasks. They act as case processors, court session administrators, liaisons to external organizations, bookkeepers, and public information officers. Clerks are routinely responsible for preparing and submitting monthly reports to OSC. Court clerks often work both daytime and court hours, and in some instances join justices for night arraignments.

Changes in the Justice Court System

Our local courts work in a system that is constantly in flux. As the population has shifted, the caseload of courts has increased and justices deal more frequently with defendants from outside the jurisdiction than from the community. The use of technology in the courts is widespread, thanks to court reform efforts carried out by OCA. These efforts have made the work easier but also introduce new processes and skill sets into court operations. Reporting requirements are frequently increased or amended, and fee schedules revised. But perhaps the most constant source of change has been introduced through changes in the statutes and rules that the courts enforce.

Shifts in state policies and rules generally introduce new procedures into the justice courts, and sometimes create unintended policy problems for municipalities (and the state). While the State Legislature and OCA have worked to avoid unfunded mandates and the imposition of minimum requirements, a number of recent changes have resulted in new administrative work for the justice courts and new costs². Two significant examples of such change illustrate how state policy changes impact court process and workload, sometimes leading to unintended consequences.

Rulemaking changes in vehicle and traffic law. In late 2006, the New York State Police began enforcing an agency rule preventing state troopers from negotiating plea bargains on tickets they have issued. The stated reasons for the ban were to avoid actions that dilute deterrence around traffic safety and an ethical dilemma for troopers as enforcers of state law. Critics believe the enforcement of this rule was simply a step taken to reduce costs associated with troopers attending court and incurring overtime costs. But others have found the logic behind the decision to be compelling. Some local police departments have followed the example set by state police and no longer negotiate locally issued tickets. Justice courts, and their sponsoring municipalities, have adopted a number of responses. In some cases, local officials have hired a special prosecutor to handle the cases previously handled by state or local police, in other cases the District Attorney has assumed responsibility. Many local officials see this as an unfunded mandate for municipalities.

The ruling introduced a host of issues. One consequence of the ruling is that the original charges are frequently reduced to lesser offenses. Justices worry that this can compromise public safety. When tickets are reduced, the charged offenses disappear from the driving record of the defendant, interfering with the judge's ability to detect patterns of risky driver behavior. Another effect of the ruling is that the fines for the lesser charges accrue to municipalities rather than the state, and have in some instances produced a net financial gain for municipalities and a net loss in income for the state. Some observers fear that municipalities may put pressure on special prosecutors to pursue charge reductions that will bring income to municipalities, potentially compromising fairness and judicial independence. There are also equity issues. It is possible that defendants who have violated the same law,

² Statutory changes to the handling of vehicle and traffic violations have also introduced new processes and administrative work for the courts. The State Legislature required that justice courts schedule pre-trial conferences as the first step in adjudicating tickets. Prior to this, courts were able to schedule defendants for a trial only. If a resolution cannot be found, a court date is then set, resulting in more time and costs not only for the court, but also defendants. Some justice courts have scheduled trials immediately after the pre-trial conference if an agreement is not reached in the pre-trial phase. Given that justice courts primarily adjudicate vehicle and traffic cases, the cost of this statutory change has been considerable.

but are ticketed and prosecuted by different actors, can be subject to different processes and outcomes. The systematic reduction of charges may also compromise public safety by reducing the costs (fines, insurance) associated with breaking the law and speeding.

More stringent penalties for misdemeanor DWI offenses. With the passage of Leandra's Law in 2009, the sanctions associated with DWI misdemeanor convictions have grown more stringent. Justice courts are now responsible for ensuring that those convicted of DWI misdemeanor offenses install ignition interlock systems, which test a driver's blood alcohol content before a vehicle can be started. Justice courts must also handle paperwork offenders submit to receive a waiver on paying for the interlock systems, and determine if offenders are eligible for a financial waiver, given that the state has set only vague guidelines.

These examples represent only a few of the policy and administrative changes that have demonstrably affected justice courts. They serve as a reminder that the burdens on justice courts continue to grow, and must be factored into restructuring decisions.

Options for Court Restructuring

Municipalities have a variety of options available to share, restructure, or revise justice court services. The more comprehensive options are generally subject to both public and governing board vote, and require the approval of the State Legislature and Governor. Some recent examples show that the Legislature and Governor are open to justice court restructuring designs not explicitly spelled out in state justice court consolidation laws. Two such special cases are presented below. Municipalities are thus encouraged to examine unique configurations of staffing and facilities. The legal and political steps to achieve these designs can be viewed in **Appendix C**.

- Dissolve a village court, with the town(s) assuming responsibility for the caseload of the village.
- Reduce the number of justices in a town court from 2 to 1 (Town Law, Article 4, 60 A (2))
- Any number of adjacent towns may consolidate justice courts while reducing the number of justices from two to one in each town; all justices may preside over any case, but separate records and finances are maintained for each participating town (Unified Justice Court Act, 106-a)
- Adjacent towns may choose to jointly elect a justice (Unified Justice Court Act, 106-b)
- Adjacent town courts may share facilities without merging corporate identities and jurisdictions (Special Case 1)
- Adjacent town courts may merge with a single justice (Special Case 2)
- Merge two or more adjacent town justice courts, two or more adjacent city courts, or some combination of these into a regional court. Towns may participate in the establishment of district courts (referred to as a regional court if it is not countywide), which unlike all other restructuring options, requires approval of the county legislature; this option has its foundation in the Judiciary section of the New York State Constitution (for an explanation of this virtually unused option, see Appendix C)

Section II: Andes and Bovina in Context

This chapter of the report outlines conditions within Andes and Bovina that are pertinent to decisions about sharing services across the two justice courts. The section on *Municipal Constraints* looks at factors in each town that influence their respective fiscal situations. In *Court Issues*, we report discussions of justice court conditions, and key issues noted by town officials and justices in each municipality. The final segment on *The Climate for Restructuring Justice Courts*, discusses the views shared by local officials and justices on restructuring options.

Municipal Constraints

The towns are similar in some respects, especially with regard to population characteristics, economic factors, and financial pressures. Both towns are sparsely populated, with population densities of about 12 and 14 persons per square mile respectively in Andes and Bovina. Andes is slightly more than twice as large as Bovina in land area and population. Andes also has a larger town center with more small business activity. The terrain in Bovina is mountainous, and only about 20% of roadways are paved. Bovina is entirely within the New York City Watershed boundary, as is true of the majority of Andes.

Table 1. Town Profiles

Town	Andes	Bovina
Land Area (sq. mi.) *	109.1	44.4
Population**	1,304	631
Population Density	11.95	14.21
Median Household Income*	35,119	43,359

* National Census Bureau, 2000 survey.

**National Census Bureau, 2007 population estimates.

As municipalities within one of the most rural counties in New York State, the prospects for economic growth in Andes and Bovina are modest. Farming, long the primary occupation of residents, is steadily decreasing and there is a negligible base for commercial and manufacturing activity in the county. One of the largest county employers is SUNY Delhi. Available property is being purchased for vacation homes and by agents of the New York City Watershed Land Acquisition Program rather than by investors with commercial interests.

Both town supervisors estimate that about half of their respective residents are second-home owners who maintain a primary residence outside the county. Each official expects that the number of part time residents will continue to increase as a proportion of the overall town population, with the possibility that the balance may be closer to 75% of the town's population over the next decade. While the towns are grateful for their newer homeowners, local officials sometimes struggle to balance the needs of the full time and part time residents. Full time residents tend to be employed within the county, have less disposable income, and be more burdened by any increases in property taxes. In fact, officials believe that any significant tax increases would cause long time residents to flee, taking with them a critical part of the history and culture of the town. On the other hand, part time residents who use their homes for leisure have, on the whole, more disposable income, and are willing to pay additional property taxes if the increases support added amenities like paved roads or town pools.

These same part time residents are also more likely to resist changes or developments that alter the rural character of their investment, pitting their interests against those of full time residents who seek property tax relief. One example occurred within the last few years. Bovina residents explored wind turbine technology as a means of generating much needed revenue for the town. Although

considerable effort went into investigating options for introducing the technology, plans were scrapped as a result of the opposition of second-home owners. Their resistance was based on the expectation that wind turbines would spoil vistas and diminish the tranquil rural aspect of the town. Property taxes comprise a large portion of locally generated revenue³ in each town, as shown in Table 2, averaging about 77% in Andes, and 81% in Bovina between 2006 and 2009. Opportunities for generating new revenue are affected by the state of economic development across the county, general economic conditions in the towns, and a decrease in the number of locally employed, full time residents. Since the county does not share sales tax revenue with its municipalities, and revenue generating options are limited, there are few options for balancing a budget with increasing expenditures short of a property tax increase or spending cuts.

Table 2. Revenue Sources

Town and Year	Revenue Source *						
	Local Income			State Aid		Federal Aid	Total Revenues (and Other Sources)
	Property Tax Levy	Service Fees	Total	Mortgage Tax	Total		
Andes, 2006	\$994,560	\$111,947	\$1,234,512	\$44,796	\$902,173	\$3,000,000	\$5,237,853
Andes, 2007	\$1,015,482	\$118,977	\$1,418,498	\$67,936	\$2,525,872	\$1,149,441	\$5,150,168
Andes, 2008	\$1,026,210	\$110,537	\$1,293,388	\$53,494	\$686,225	\$0	\$2,311,015
Andes, 2009	\$1,078,358	\$112,378	\$1,392,806	\$27,023	\$2,365,573	\$0	\$4,020,422
Bovina, 2006	\$456,611	\$37,928	\$579,730	\$38,753	\$100,137	\$0	\$679,868
Bovina, 2007	\$484,018	\$41,362	\$595,391	\$28,026	\$192,462	\$38,910	\$881,341
Bovina, 2008	\$503,499	\$43,210	\$623,546	\$23,366	\$203,340	\$7,428	\$834,314
Bovina, 2009	\$536,418	\$41,169	\$642,674	\$20,952	\$174,859	\$194,546	\$1,278,325

* Office of the State Comptroller (NYS), Division of Local Government and School Accountability 2006-2009 (calculations made by IGSP)

Court Issues

Officials in Andes and Bovina made similar assessments about the quality of their town justice court, noting that the local court functions effectively and has not been the subject of citizen complaints. Their views were corroborated in the shared services survey results, the opinion survey conducted in support of the overall study. Those survey results showed that a majority of respondents held a favorable view of their local court.⁴

- **Caseload.** Both town justice courts handle a fairly low volume of cases, assessed against statewide activity levels. In 2009, Andes' justice court caseload fell in the bottom 40% of all town and village justice courts in New York State, and Bovina was positioned in the bottom 13%. For this report, IGSP compiled the 2008 caseload data for all justice courts in Delaware County, and found that both municipalities fell below the countywide median of 572 cases. The caseload data are shown in detail in the next section of the report.

³ Locally generated revenue includes property tax receipts, interest penalty payments, fees, intergovernmental transfers, grants from local governments, mortgage tax, grants from other local governments, fines, and proceeds from the sale or lease of property.

⁴ Based on the percentage of respondents indicating that they were completely satisfied, or somewhat satisfied with justice court services in their town.

- **Case Mix.** The greatest proportion of fully adjudicated cases in both towns is vehicle and traffic cases. In 2008, about 87% of cases in Bovina and about 82% of those in Andes concerned vehicle and traffic infractions. Penal law cases were the next largest block for Bovina, comprising about 10% of caseload, and comprised 3% of the caseload for Andes. Although penal cases can take 3-4 times the effort to adjudicate that a vehicle and traffic case requires, neither justice court has a distribution of cases that suggests that the courts must operate in vastly different ways.

There have been two changes in V&T cases that have a bearing on the amount of work for the two courts. An experienced justice observed that 95 out of 100 traffic cases used to involve town residents. In this decade, that ratio has flipped with 95% of most traffic infractions involving people living outside the county. This becomes important and time consuming when appearances need to be scheduled. A second change that has occurred is that it has become rare for anyone charged with a traffic infraction to plead guilty. Most tickets are challenged, adding complexity to the process and substantially more staff transaction time.

- **Case Complexity.** The justices noted that prosecuting criminal cases and some vehicle and traffic cases has become more complex over time as statutes and procedures change. As a result, the amount of time that the justices invest in preparing for these cases has increased substantially. In recognition of this situation, OCA operates the City, Town, and Village Resource Center to support judicial information needs and decision making.
- **Staffing Issues.** Justices in each town emphasized the importance of having sufficient support from a knowledgeable clerk. The recordskeeping duties of the courts increase every year, as do the coordinating tasks for appearances and court sessions. The example mentioned earlier, involving recent changes in the statutes addressing drunken driving and ignition interlock systems, have added new monitoring steps and new responsibilities for local magistrates and their staff.

In Andes, the court clerk transitioned from an hourly pay rate to a salaried position. Under the hourly arrangement, the clerk worked as many hours as it took to complete the work of the court. In the past year, the Andes clerk has become a salaried employee, with fixed hours. As a result, the clerk actually works fewer hours per week, and the justices have had to handle tasks the clerk cannot finish. Bovina has a single part-time clerk added to the court about a year and a half ago.

- **Court Facilities.** Officials in each town observed that their court facility was seriously inadequate, though the problems described were quite different. In Bovina, the court is held in a shared space, with proceedings taking place on a basketball court. The current accommodations are not compliant with the Americans with Disabilities Act (ADA) and violate OCA recommendations for court safety in several ways. Notably, there is no raised bench for the justice, no jury seating, and no rails separating defendants from court staff or juries. In addition, the courtroom furniture is moveable and thus capable of being used as a weapon by an irate defendant. The facility offers no space for attorney-client conferences or jury deliberations, and has no security in place.

In Andes, the facility problems are largely structural, but here, too, there are serious security issues. Town inspectors have advised officials that the building is unsafe, with a variety of mechanical and structural issues that include a leaking roof. The town will have to take action soon to find new quarters for court proceedings. Until the move occurs, the building's condition requires some accommodation on the part of staff and court attendees. It was noted, for instance, that the sound insulation is so poor that

conversations in the judge's chambers can be easily overheard by courtroom visitors. Attorneys are advised to confer in whispers to preserve the confidentiality of exchanges.

The Climate for Restructuring Justice Courts

Elected officials in the towns, and a justice from each court, were asked their views on options for sharing services across the justice courts or restructuring operations in some way. There was a clear consensus among those interviewed that the current court facilities in each town were inadequate and unsafe. There was similar agreement that something needs to be done soon, although acquiring new space would be difficult while the economic outlook is weak. For Andes, the need for a structurally safe court space is critical, and in Bovina, it is most important that the court finds space that is ADA compliant, and outfitted appropriately for safety and to support core judicial activities. The interview participants expressed interest in the idea of a shared court house equipped with the requisite accoutrements. Both towns have delayed decisions about acquiring different space for the courts until the shared services study was completed.

The justices observed that a shared facility might make it easier to share staff and equipment so that each court could have more hours of clerical support and more coverage at current cost levels, or perhaps with some level of savings. One justice noted that the courts could reasonably merge, leaving each jurisdiction with a single justice that would hear cases for each town.

Section Comments

Local officials in Andes and Bovina sought information about their justice court operations as part of a larger effort to examine services provided by the towns. Neither set of officials expect revenues to increase or the economic climate to improve materially in the coming year. To avoid raising property taxes and close any budget shortfalls, town officials want to find reasonable ways to reduce costs and still meet the service needs of residents. Because the towns have similar fiscal constraints and comparable court operations, officials in Andes and Bovina hope that there are options for collaboration that make sense for each community, produce cost savings, and improve the justice court environment. Interviews with town and court officials suggest that there is sufficient support for shared arrangements to launch discussions when the study information is available.

Section III: Justice Court Findings

This section of the report provides summary data about justice court activity and provides a number of ways to look at costs and workload. Some simple metrics were computed to illustrate the differences in the relative cost of the Delaware County justice courts. While Andes and Bovina were the focus of this study, IGSP compiled countywide data on caseload and cost trends to provide useful comparisons.

Data Sources

The information used in calculations in this section came from local, state, and federal sources. The towns provided detailed budget information and compiled separate fringe benefit calculations for court personnel. The countywide revenue and cost tables are based on data provided by the Office of the State Comptroller (OSC). The study team also obtained 2008 case reports from OSC's Justice Court Fund in order to code and sort more than 17,000 cases into the categories shown in Table 5. An additional year of case data (2007) was coded and sorted for Andes and Bovina to ensure that the primary year of data (2008) was not anomalous. Census updates furnished all demographic data.

Findings

It is useful to review fiscal and workload information for the courts in Andes and Bovina as a starting point in thinking about court operations and the shared service options that make sense. The first step is to compile accurate financial data, since many officials do not have complete information about the net cost of running their court. Documenting workload data is next so that simple metrics can be calculated. A comparative base is also important, and to that end, IGSP has calculated fiscal and workload data for the remaining justice courts in Delaware County during the same year of record. Comparisons of cost and workload make it possible to answer a series of questions about court operations:

- Is my town (or village) spending more or less than other jurisdictions spend for a justice court that adjudicates about the same number of cases?
- If our budget for staffing and operations is very different from courts with similar caseloads, what accounts for the differences?
- Is the status quo justified or should we consider different options?

Fiscal Analysis

Our first task was to find the net annual cost (also referred to here as financial condition) of operating the justice courts in Andes and Bovina. This was calculated over a three separate years to rule out inadvertently selecting a single atypical year. There are two data sources that can be used to make these calculations, fiscal reports provided by the Office of the State Comptroller, and information supplied by each town. The OSC data are limited to three categories of information—personal services, equipment and capital outlays, and contract expenditures—and do not contain fringe benefit information or facility costs. The OSC data were used in the comparative table for all Delaware County courts, since it could be acquired without making special requests to local officials not involved in the study. The local data, acquired from Andes and Bovina officials only, include some of the information missing from the OSC figures. The Andes entry adds fringe benefit information and facility costs. The Bovina data add fringe benefit calculations only. The Bovina court shares a facility with other occupants, each having variable levels of use. The arrangement makes it difficult to assess facility costs by user.

Both sets of data confirm that the justice courts in Andes and Bovina have operated with a revenue to expenditure deficit over a 3-year period, as shown in Table 3, requiring additional

funding to operate the courts. However, it is the local data provided in the table that give a more accurate sense of the financial position of the courts. The OSC data show that the operating deficit in Andes increased between 2007 and 2009, but not consistently. The local data show the same inconsistency but shows that the deficit is more than twice the estimate derived from OSC data. Clearly, including fringe benefits and facility costs makes a difference in arriving at an accurate picture of the financial standing of justice courts.

The operating deficit in Bovina in the last two years shows an increase over 2007, but here, too, it is not consistent. The differences in the size of the deficit between locally reported data and OSC data are much smaller than in Andes, in part because there are fewer personnel involved and no facility costs available.

Table 3. Andes and Bovina Justice Court Expenses, 2007 to 2009: Locally and State Reported Figures

Andes * Expense Category	2007		2008		2009	
	Locally Reported	OSC Reported	Locally Reported	OSC Reported	Locally Reported	OSC Reported
Personal Services	N/A	17,962.50	21,919.00	21,919.17	21,440.00	21,439.58
Contract Expenditures	N/A	3,633.71	3,834.00	3,834.04	5,422.00	5,421.38
Building Expenses	N/A	0.00	4,688.00	0.00	10,819.00	0.00
Fringe Benefits	N/A	0.00	1,676.80	0.00	1,640.16	0.00
Total Expenses	N/A	21,596.21	32,117.80	25,753.21	39,321.16	26,860.96
Total Revenue		12,304.5	20,200.00	20,200.00	14,301.50	14,301.50
Financial Position	N/A	(9,291.71)	(11,917.80)	(5,553.21)	(25,019.66)	(12,559.46)

Bovina * Expense Category	2007		2008		2009	
	Locally Reported	OSC Reported	Locally Reported	OSC Reported	Locally Reported	OSC Reported
Personal Services	5,500.00	5,499.96	5,720.00	5,720.00	6,177.00	6,177.00
Contract Expenditures	2,773.00	2,772.86	3,170.00	3,170.01	2,272.00	2,272.03
Fringe Benefits	421.00	0.00	438.00	0.00	473.00	0.00
Total Expenses	8,694.00	8,272.82	9,328.00	8,890.01	8,922.00	8,449.03
Total Revenue	5,317.00	5,317.00	3,080.00	3,080.00	4,022.50	4,022.50
Financial Position	(3,377.00)	(2,955.82)	(6,248.00)	(5,810.01)	(4,899.50)	(4,426.53)

* Data provided by Office of the State Comptroller , Andes, and Bovina officials

Operating losses in the courts in Delaware County, requiring additional taxpayer funding, are not unusual, as shown in Table 4. Of the 23 justice courts in the county, 12 of the courts carried net annual losses all three years. Note that this table uses only the net costs based on OSC data (see Appendix A for a breakdown of revenue and expenditure data), which underreports the actual costs of operating justice courts, leaving out fringe benefits and some facility costs. In most cases, the balances that are positive are actually somewhat lower, and the negative balances are

somewhat higher. In previous studies of justice courts, IGSP has found that fringe benefits add 25 to 40 percent to the cost of the courts.

When the net annual costs of the justice courts are totaled over a 3-year period (see Table 4, 3-Year Total Financial Position), the accumulated deficits in certain municipalities become more compelling. Taking into account any adjustments for data not included, some municipalities in the county have 3 year deficits that likely exceed \$100,000. Using local cost data for Andes and Bovina, we can estimate that Andes has a more realistic deficit for this period of 50-60K, while Bovina has a 3-year deficit that is at least 15K.

The towns and villages in Table 4 are listed in order of the court's revenue ranking in 2009, with the highest revenue court listed first (Hancock). Also, the first six municipalities listed had the greatest caseload of our year of record, 2008, but not in ranked order. Since two of these six have net annual deficits for all three years, it is clear that higher revenue and/or higher caseload do not necessarily immunize a justice court operation from running a deficit.

One final point to consider is that the cost of operating justice courts does not end with the municipality. The county incurs costs associated with the work of the justice courts. Typically, the office of the District Attorney, the Sheriff's Office, the Probation Department, and the Public Defender interact with the courts, and have expenses related to staff time and travel. Citizens shoulder the cost of these services within their property tax payments. One nearby county conservatively estimated that it cost county taxpayers about 3.6 million dollars a year to provide services to the justice courts.

Discussion of the Findings on Financial Standing

The net annual losses associated with operating the courts, where they exist, may not present a problem to officials in Andes and Bovina, or any of the municipalities across the county. These losses, requiring additional tax resources, may be simply viewed as the cost of providing a necessary service to residents. And as noted earlier, court costs account for a small part of the overall municipal budget, usually 1-3% of expenditures. However, given the fiscal concerns of most local governments, it is likely that in both Andes and Bovina every expense is scrutinized. Although revenue production is clearly **not** the goal of justice courts, it is fair and reasonable to ask if these courts are more expensive than they need to be. For some local officials, the size of the accumulated operating deficits in the justice court may be sufficient to warrant consideration of cost savings options.

Table 4. Assessment of Fiscal Impact, Delaware County Justice Courts, 2007 to 2009

MUNICIPALITY	2007 Financial Position*	2008 Financial Position*	2009 Financial Position*	3 Year Total Financial Position	3 Year Deficit Trend
HANCOCK	\$15,992.15	\$13,094.06	\$41,191.61	\$70,277.82	No
COLCHESTER	\$11,291.54	(\$2,540.72)	\$5,785.00	\$14,535.82	No
MIDDLETOWN	(\$27,258.50)	(\$14,595.50)	(\$13,735.88)	(\$55,589.88)	Yes
SIDNEY	\$35,584.01	(\$4,633.80)	\$12,890.98	\$43,841.19	No
SIDNEY (V)	\$30,719.00	\$17,791.02	\$40,044.27	\$88,554.29	No
DELHI	(\$31,200.22)	(\$26,091.93)	(\$25,808.76)	(\$83,100.91)	Yes
WALTON (V)	\$17,126.00	\$5,694.00	\$4,654.00	\$27,474.00	No
DEPOSIT	(\$2,585.12)	\$929.60	\$4,185.67	\$2,530.15	No
MASONVILLE	\$16,021.29	\$14,902.32	\$12,539.56	\$43,463.17	No
ROXBURY	(\$5,744.13)	(\$32,559.50)	(\$49,542.00)	(\$87,845.63)	Yes
ANDES	(\$9,291.71)	(\$5,553.21)	(\$12,559.46)	(\$27,404.38)	Yes
STAMFORD (V)	\$867.64	\$7,700.44	\$8,009.66	\$16,577.74	No
HANCOCK (V)	(\$1,493.92)	\$1,945.96	\$1,267.50	\$1,719.54	No
DAVENPORT	\$11,262.76	\$15,870.51	\$4,975.88	\$32,109.15	No
WALTON	(\$7,033.11)	(\$15,458.48)	(\$8,132.50)	(\$30,624.09)	Yes
STAMFORD	(\$4,172.50)	(\$4,884.50)	(\$2,604.50)	(\$11,661.50)	Yes
KORTRIGHT	(\$2,041.43)	(\$3,525.82)	(\$1,311.59)	(\$6,878.84)	Yes
FRANKLIN	\$419.92	(\$2,003.37)	N/A	N/A	No
HARPERSFIELD	(\$4,150.44)	(\$4,624.27)	(\$13,389.39)	(\$22,164.10)	Yes
TOMPKINS	(\$986.00)	(\$2,660.50)	(\$3,244.50)	(\$6,891.00)	Yes
HAMDEN	(\$3,037.80)	(\$3,923.58)	(\$3,296.46)	(\$10,257.84)	Yes
BOVINA	(\$2,955.82)	(\$5,810.01)	(\$4,426.53)	(\$13,192.36)	Yes
MEREDITH	(\$3,174.00)	(\$8,352.74)	(\$4,180.53)	(\$15,707.27)	Yes

* Data provided by the Office of the State Comptroller (NYS). (Financial position (revenues- expenditures) calculated by the IGSP)

Workload Analysis

With more complete annual financial data on the Andes and Bovina justice courts, and the 3-year totals showing recent cost trends, officials can begin to look at the question of whether their courts are more expensive than they need to be. Financial data alone cannot answer the questions. To work toward that assessment, officials need workload, or caseload, information. With cost and caseload totals for the Andes and Bovina courts, and courts across Delaware County, simple metrics like cost per case can be computed. These metrics enable officials in Andes and Bovina to compare costs with other justice courts and assess the relative efficiency of their own operations.

For this part of the study, IGSP obtained the 2008 caseload data for Delaware County. OSC collects monthly reports from every justice court, which contain information on cases that were fully adjudicated during the month of record. These reports contain information on the charges, the final disposition, and the fines and fees collected. These reports are currently submitted electronically, but in 2008, many courts submitted hand written reports for part of the year. The clerks that fill out these forms use a variety of notations and enter information in somewhat different ways. The IGSP research team sorted and coded about 17,000 cases to produce the caseload totals reported in Table 5. Coder decisions about the meaning of some entries may yield some slight variation in the total cases in each category when compared with records kept by court clerks.

There is one cluster of cases that impacts court activity but cannot be assessed easily. Dismissed cases fall into groupings like all others—vehicle and traffic, penal, and civil cases—but are substantially redacted in the record, obscuring information that has a bearing on workload. Knowing how far a case was processed before dismissal, and whether it was penal or civil, both of which consume more staff time than vehicle and traffic cases, would modify the assessment of workload handled in a court.

Discussion of Workload Factors

The caseload data are listed in Table 5 and the cost per case information appears in Tables 6 and 7. Each municipality has an entry for *total cases* and *in-house cases* in Table 5. The *total cases* figure includes arraignments for other municipalities, cases transferred to another court, and dismissed cases. Only the cases fully adjudicated in the local justice court appear in the second total for *in-house cases*.

As mentioned above, the groups of cases that are not handled to completion within a court still represent some measure of workload for the staff—it is just difficult to assess. Just as the amount of processing varies in a case that is eventually dismissed, so does the processing effort vary across transferred cases. Arraignments for other courts often involve off hours travel to the courthouse as well as the time needed for the arraignment proceeding. In order to take these efforts into account, the cost per case (CPC) results in Table 6 reflects all cases handled by the justice court. In Table 7, the second CPC column deals only with in-house caseload.⁵ It is important to consider both assessments of cost because the actual cost per case falls somewhere in between these two figures.

A third column for cost per case takes into account the effort level required to adjudicate different types of cases. The OCA report on the justice courts, *Justice Most Local (2008)*, reports that penal cases absorb 3-4 times as much staff effort as vehicle and traffic cases. IGSP interviews with local magistrates in the New York system confirm this figure. To give Andes and Bovina officials a different way to look at their cost per case figures, IGSP used a very conservative approach, weighting penal cases twice as much as all others, to estimate the *weighted cost per case*. These figures show the impact that the number of penal cases has on productivity in the court. The justice courts with a higher proportion of penal cases fully adjudicated in-house will see a drop in their cost per case. Those with relatively few penal cases will see only a slight drop.

⁵ It is useful to note the difference between these numbers, especially in those instances where the bulk of the cases not adjudicated in-house are arraignments or transfer cases. Essentially, this is unremunerated work that is done on behalf of other courts, but each town or village court is likely to be the recipient of this support as well as the donor.

Table 5. Justice Court Caseload Profiles 2008

Municipality	Total Cases (2008)*	Arraigned for Other Courts	Transfers to Other Courts	Dismissals	In-House Cases	Vehicle and Traffic Law	Penal Law	Civil Law	Other Law**
ANDES	533	8	13	113	399	329	10	8	52
BOVINA	90	2	5	21	62	54	6	1	1
COLCHESTER	1,028	7	11	167	843	748	27	18	50
DAVENPORT	656	2	3	213	438	360	39	25	14
DELHI	1,523	14	99	497	913	516	118	62	217
DEPOSIT	699	14	4	147	534	467	9	3	55
FRANKLIN	255	0	11	109	135	108	5	6	16
HAMDEN	230	6	11	59	154	130	11	4	9
HANCOCK	1,381	0	13	246	1,122	1,044	16	11	51
HARPERSFIELD	362	0	10	130	222	190	21	8	3
KORTRIGHT	379	0	26	93	260	202	42	8	8
MASONVILLE	585	0	2	72	511	471	22	2	16
MEREDITH	76	0	3	13	60	29	6	7	18
MIDDLETOWN	1,980	9	57	541	1,373	1,088	142	61	82
ROXBURY	572	2	1	200	369	254	50	36	29
SIDNEY	1,419	6	4	293	1,116	1,018	13	9	76
STAMFORD	542	35	17	184	306	211	50	17	28
TOMPKINS	106	0	0	22	84	46	6	6	26
WALTON	487	19	15	129	324	218	13	43	50
HANCOCK (V)	448	0	13	84	351	256	35	32	28
SIDNEY (V)	1,750	2	2	512	1,234	795	331	47	61
STAMFORD (V)	618	2	17	232	367	264	63	26	14
WALTON(V)	813	0	11	221	581	357	90	36	98

* Data provided by the Office of the State Comptroller (NYS), Justice Court Fund, 2008 (coding conducted by the Intergovernmental Studies Program)

** Other cases fall outside the categories of vehicle and traffic, civil, and penal law, including for example environmental conservation law and town and village ordinances (Office of the State Comptroller (NYS), 2008)

Table 6. Justice Court Costs 2008

Municipality	2008 Court Revenues (Local) *	2008 Court Costs (Local) *	2008 Financial Position	2008 Cost Per Case**
HANCOCK	\$34,695.06	\$21,601.00	\$13,094.06	\$15.64
COLCHESTER	\$41,853.50	\$44,394.22	(\$2,540.72)	\$43.19
MIDDLETOWN	\$55,160.50	\$69,756.00	(\$14,595.50)	\$35.23
SIDNEY	\$50,127.22	\$54,761.02	(\$4,633.80)	\$38.59
SIDNEY (V)	\$51,032.42	\$33,241.40	\$17,791.02	\$19.00
DELHI	\$57,319.00	\$83,410.93	(\$26,091.93)	\$54.77
WALTON (V)	\$29,791.00	\$24,097.00	\$5,694.00	\$29.64
DEPOSIT	\$25,312.50	\$24,382.90	\$929.60	\$34.88
MASONVILLE	\$28,000.00	\$13,097.68	\$14,902.32	\$22.39
ROXBURY	\$16,633.50	\$49,193.00	(\$32,559.50)	\$86.00
ANDES	\$20,200.00	\$25,753.21	(\$5,553.21)	\$48.32
STAMFORD (V)	\$15,136.50	\$7,436.06	\$7,700.44	\$12.03
HANCOCK (V)	\$9,962.00	\$8,016.04	\$1,945.96	\$17.89
DAVENPORT	\$28,787.50	\$12,916.99	\$15,870.51	\$19.69
WALTON	\$11,175.02	\$26,633.50	(\$15,458.48)	\$54.69
STAMFORD	\$8,939.50	\$13,824.00	(\$4,884.50)	\$25.51
KORTRIGHT	\$9,936.00	\$13,461.82	(\$3,525.82)	\$35.52
FRANKLIN	\$6,295.25	\$8,298.62	(\$2,003.37)	\$32.54
HARPERSFIELD	\$7,025.00	\$11,649.27	(\$4,624.27)	\$32.18
TOMPKINS	\$3,522.50	\$6,183.00	(\$2,660.50)	\$58.33
HAMDEN	\$6,506.00	\$10,429.58	(\$3,923.58)	\$45.35
BOVINA	\$3,080.00	\$8,890.01	(\$5,810.01)	\$98.78
MEREDITH	\$2,003.00	\$10,355.74	(\$8,352.74)	\$136.26

*Data provided by the Office of the State Comptroller (NYS) and the Justice Court Fund, 2008 caseload files.

** Calculations done by the Intergovernmental Studies Program

Andes and Bovina have **total** caseloads in 2008 that fall below the median (572) for the county. Andes is only slightly below at 533 cases and Bovina is well below with 90 cases. Because of the relatively small caseloads for each town, the cost per case for each municipality is also high. At \$98.78 per case, Bovina has the second most costly per case rate. Andes has a rate that is half as large, but their cost per case at \$48.32 is above the median rate of \$35.23 for the county. When the in-house case total is used, the cost per case goes up for all municipalities. If we could know how much time a justice court put into all the cases that were dismissed, transferred, or arraigned for other courts, we could be more exact about where the actual costs sit between these two metrics. However, it is not necessary to know the precise cost to assess whether court costs should be examined further.

In the cases where there are a disproportionate number of penal cases relative to all justice courts in Delaware County, the weighted cost per case figures is substantially below the in-house cost per case. Municipalities that fall into this category need to take the additional burdens that penal cases place on court staff into consideration when assessing the efficiency of their court.

The high cost per case rate in both Andes and Bovina means that the towns are paying more to process each case than other towns in the county. This situation may encourage officials to examine costs further. What should be considered? Are facility or office costs too high or are salary rates out of line? Do the courts have more staff than are needed to process the number of cases that typically arise in their jurisdiction? Does the mix of cases or conditions in either town drive the case costs higher?

Section Comments

If officials in Andes or Bovina determine that some adjustment in the size of expenditures needs to occur, some of the options for reducing the number of justices, sharing justices, merging courts or facilities may make sense for the towns. The level of possible savings will depend on the choices made, but some options that may have merit are discussed in the next section.

Table 7. Variants of Cost per Case (CPC), 2008

Municipality	Cost Per Case (total)	CPC (in-house)	Weighted CPC
ANDES	\$48.32	\$64.54	\$62.97
BOVINA	\$98.78	\$143.39	\$130.74
COLCHESTER	\$43.19	\$52.66	\$51.03
DAVENPORT	\$19.69	\$29.49	\$27.08
DELHI	\$54.77	\$91.36	\$80.90
DEPOSIT	\$34.88	\$45.66	\$44.90
FRANKLIN	\$32.54	\$61.47	\$59.28
HAMDEN	\$45.35	\$67.72	\$63.21
HANCOCK	\$15.64	\$19.25	\$18.98
HARPERSFIELD	\$32.18	\$52.47	\$47.94
KORTRIGHT	\$35.52	\$51.78	\$44.58
MASONVILLE	\$22.39	\$25.63	\$24.57
MEREDITH	\$136.26	\$172.60	\$156.91
MIDDLETOWN	\$35.23	\$50.81	\$46.04
ROXBURY	\$86.00	\$133.31	\$117.41
SIDNEY	\$38.59	\$49.07	\$48.50
STAMFORD	\$25.51	\$45.18	\$38.83
TOMPKINS	\$58.33	\$73.61	\$68.70
WALTON	\$54.69	\$82.20	\$79.03
HANCOCK (V)	\$17.89	\$22.84	\$20.77
SIDNEY (V)	\$19.00	\$26.94	\$21.24
STAMFORD (V)	\$12.03	\$20.26	\$17.29
WALTON (V)	\$29.64	\$41.48	\$35.91

* Office of the State Comptroller (NYS), Justice Court Fund, 2008 (with calculations made by the Intergovernmental Studies Program)

Section IV: Study Recommendations

As this study began, it was immediately clear that facility issues for the justice courts in Andes and Bovina needed to be addressed. But with the analysis of the financial and caseload data for each town completed, it was also apparent that the Andes and Bovina courts cost more to operate than neighboring justice courts. In this section, IGSP describes a number of options that may remedy these issues. Each option is supported by oversight agencies, permitted in statutes, and endorsed by OCA.

1 a. Justice Court Co-location in Andes and Bovina

Officials in each town and justice court expressed serious concerns about the condition and equipping of the court facilities. Andes officials noted the need for significant court facility improvements, citing hazardous structural issues and a low degree of security. A core facility concern in Bovina is that the justice court is non-compliant with a number of ADA requirements, and the space is inadequate for court activities. It is recommended that the towns consider collocating their court operations.

Neither town has a caseload that warrants the exclusive use of a new or remodeled facility if there is another option, making a shared facility feasible and appropriate. The distance between the two municipalities, and viability of connecting roadways, make this fully practicable from a logistical perspective. The facility could alternate court sessions and hours for Andes and Bovina, using the same rooms and equipment to process cases. The additional space for records and other documents required would be minimal, and should pose no practical impediment.

If officials decide to share a court facility, they will either identify an existing building that can be modified to accommodate justice court operations or build a new one. In either case, the investment required for each town can be lessened if made jointly. The new costs and eventual savings would be determined based on calculations that would include which jurisdiction owned the land or building selected, and the proportion of use by each town. Andes has been awarded a Justice Court Assistance Program (JCAP) grant (\$30,000), and under JCAP guidelines, Bovina is eligible to receive an equal amount and pool it with the JCAP funds already reserved in Andes. Given the cost and magnitude of new facility construction, the towns may choose to modify an existing building, addressing the security, space, and structural needs of an efficient court.

In order to achieve a collocated court, a majority of board members and citizens would need to approve the measure, and prepare a special request to the State Legislature and Governor. Similar court actions have been approved at the state level based on justification and intent, not details. The state is considering expanding section 106 of the Unified Justice Court Act to permit for more dynamic and specialized court restructuring designs, but there is no real reason to wait for such a bill to be approved before Andes and Bovina take action.

1 b. Integrate Justice Court Operations in Andes and Bovina

Presuming that the courts collocated while retaining the current justice and clerk staffing levels, any savings for Andes and Bovina would be in the form of reduced facility maintenance costs. It may, however, make more sense to include other costs as well--court clerk support, office equipment, costs for internet access, telephones, and supplies. Sharing clerk support might be as simple as having each clerk work for both municipalities at their current level of employment, making it possible to handle busier times in either court without creating backlogs for the justices. Hours could be staggered to provide more coverage for each court and justice. Another alternative is to pool the resources for clerk support and employing only one experienced clerk with extended hours. The savings here would be in providing only one fringe package.

Such an approach may also serve as an intermediate step toward deeper integration between the courts, including full corporate consolidation. Town officials did express concern that citizens may be apprehensive about losing the community identity associated with the local justice court. By approving and experience co-located courts first, citizens may grow comfortable with the notion of fully integrating

their court with a neighboring court, enabling broader efficiencies, savings, and perhaps further professionalizing the court.

Summary of Benefits: A shared court facility for Andes and Bovina would be a means of improving the structural, compliance, and usability issues that plague the justice courts in their current locations, at a cost below that of providing for individual courts. Depending on the specific option selected, these recommendations could yield enhanced facilities in terms of equipment, security, and/or size and space. With some arrangements, Andes and Bovina would be able to apply a total of \$60,000 in state funds to facility renovation. It is also possible to reduce other costs through shared operations.

Potential Drawbacks: A shared court facility requires approval by both the board and electorate in each town, and would require ratification by state lawmakers. These actions may delay the move to better space. Citizens may also have difficulty adjusting to a new, more distant location, and may feel some loss of community identity. Neither court would achieve greater internal controls in this scenario, because a single clerk would be responsible for court accounts and records. When placed in the context of spending in Andes and Bovina, while the costs of a shared facility would be significantly lower than providing new court space separately, the savings in regular operational costs that would accrue through this option are marginal.

2. Expanded Justice Court Sharing and Consolidation in Andes and Bovina

A more extensive option for Andes and Bovina would be to merge the two courts. A merger would help achieve economies of scale and more comprehensive cost savings. In order to do this, Andes would be required to reduce to a single justice, and Bovina could retain its single sitting justice. Given the very low caseload that Bovina would add to the combined caseload of a merged court, officials could go further and petition the state to allow the courts to reduce to a single justice to serve both towns. It is also recommended that only a single clerk be retained, as the combined caseload for the two municipalities is well within capacity of one justice and a single clerk that works between .75 and 1.00 fte.⁶ By pooling compensation for a court clerk, the towns can reduce their total clerk compensation and benefits expenditures while increasing the salary of the single clerk. This would help resolve some of the clerical and processing bottlenecks town officials cited (results of insufficient clerk funds and hours).

In 2007 and 2008, respectively, Andes and Bovina had a combined total caseload of 1,160, 836 of which were adjudicated internally (the remainder were dismissed or transferred). This yields a combined caseload of about 580 per year, or 48 per month.⁷ Of these cases, very small percentages are in the category of the more costly and time-consuming civil and penal law cases. In a study conducted by IGSP of municipalities in neighboring Ulster County, a number of justice courts handle significantly more cases with just a few hours of justice time and a single full-time court clerk. One municipality, for example, processed more than 1,800 total cases in 2008 with one full-time court clerk and less than 5 hours of justice court time each week. With the same staffing levels and hours, another municipality processed more than 1,200 cases in the same year. Andes and Bovina, operating a single court, should thus experience very little difficulty comfortably handling their cases with one justice and one clerk (perhaps at 3 and 20 hours per week, respectively), rather than the three justices and two part-time clerks currently employed.

The justice courts in Andes and Bovina both experienced fiscal loss and high costs per case in 2007, 2008, and 2009. By reducing input costs, the municipalities could mitigate the financial losses incurred through the justice courts while achieving the same level of work. A full consolidation will yield cost reductions in each major expenditure category of the justice courts. In 2008, Bovina had the second highest cost per case, and Andes the seventh. The total financial losses incurred in that three-year period was, using local data when available and OSC data when not, was approximately \$61,000.

⁶ Fte stands for full time equivalent.

⁷ IGSP obtained two years of caseload data for Andes and Bovina, 2007 and 2008. This combined caseload is averaged over the two year period.

If the two justice courts were to merge, and retain a single justice and court clerk, conservatively, personnel costs could likely be cut by 15-30% as seen in Table 8. This scenario would also bring cost per case into better alignment with other justice courts with similar caseloads. This staffing arrangement would not result in better internal controls, as a single court clerk would be responsible for the management and processing of court financial matters. For courts of this size, however, multiple clerks make little financial sense, and the relatively small size of the court should make it simpler for justices and town officials to oversee and audit court financial operations.

Summary of Benefits: This approach, based on the shared facility outlined in Recommendation 1, would reduce costs associated with court staffing. Savings in this example would extend to the compensation and benefits associated with reducing the number of clerks by one and justices by one or two.

Potential Drawbacks: Here too, citizens may feel greater discomfort and loss of community identity with the relocation and full corporate merging of their justice court, and they would also need to travel to a new location for court activities. And like the first recommendation, this would require formal board and public approval as well as permission from the State Legislature and Governor.

Table 8. Options for Merging the Andes and Bovina Courts

Restructuring Option	2010 Justice Court Budget (Combined) *
Current Personnel: 3 Justices and 2 Clerks	
<i>Justice Salaries</i>	\$20,798
<i>Clerk Salaries</i>	\$6,420
<i>FICA Payments</i>	\$2,083
Total	\$29,301
Personnel Option 1: 2 Justices and 1 Clerk	
To make these calculations, the remaining 2 justices each were assigned the same level of compensation as Andes currently provides individual justices. Clerk compensation was extrapolated using existing clerk compensation and time budgets.	
<i>Justice Salaries</i>	\$14,729
<i>Clerk Salaries</i>	\$8,025
<i>FICA Payments</i>	\$1,729
Total	\$24,483
Personnel Option 2: 1 Justice and 1 Clerk	
To make these calculations, the remaining justice was given a 50% increase over the compensation received by a single Andes justice in the current arrangement. Court clerk compensation remained the same as the number of cases processed remained the same.	
<i>Justice Salaries</i>	\$11,047
<i>Clerk Salaries</i>	\$8,025
<i>FICA Payments</i>	\$1,449
Total	\$20,521

* Data provided by Andes and Bovina officials

3. Strengthened Board Knowledge and Oversight of the Justice Courts

Board members must understand court operations if they are to effectively oversee them and ensure financial accountability and efficiency. State law permits governing boards to request and receive court fiscal and operational information at whatever interval officials deem appropriate, including the volume and distribution of the court caseload. Governing board members must also understand the risk factors associated with the justice courts so that court funds are not mishandled or diverted. While courts must preserve judicial autonomy, the receipt of reports and audits on the justice courts does not compromise the independence of judicial decision making. OSC provides an excellent overview of court risk factors

and a fiscal oversight guide with a detailed and highly usable report format that could be readily adapted as a monthly financial and reporting checklist provided to governing boards (see **Appendix E**).

Board members may select a court liaison to be the member that stays abreast of justice court operations, issues, and needs. This liaison serves as the chief overseer of court operations. A liaison could build the necessary knowledge, stay abreast of court developments and resources, and track state recommendations and findings on the justice courts. Liaisons could meet on a regular basis with court staff to discuss court matters, and court staff could attend town department head meetings.

It is important to note that restructuring and rightsizing justice courts in ways that do not compromise operations demands at least a working knowledge of justice court activities. New organizational arrangements can create unanticipated problems and increase risk factors, and municipal officials must do their best to avoid these. Knowledge and oversight of the justice courts is thus key in realizing effective restructuring and ensuring that restructured courts functional optimally.

Summary of Benefits: Adequate court oversight deters financial mismanagement, diversion of funds, and corruption in a court with weaker internal controls and gives officials a working knowledge of the court. This knowledge helps them make better decisions about ongoing court expenditures, staffing, and facilities, and will help officials restructure courts in a thoughtful and well designed way.

Potential Drawbacks: Closer oversight of the courts by town officials is absolutely limited to fiscal and operational matters. Sufficient care should be given to the conduct of oversight to ensure that the boundaries of judicial autonomy are not crossed.

3. Justice Court Sharing and Consolidation Options with other Delaware County Towns

Across Delaware County, there are several low volume courts with high scores on the measure of cost per case. A number of possibilities exist for reorganizing these courts to reduce the financial burden on the towns and align court operations with regional needs. This recommendation is offered as an illustration of one such possibility. A cluster of justice courts in the center of Delaware County, shown in Figure 1, share a geographic proximity and other attributes that *may* make them suited to consolidation or service sharing options. The town of Delhi sits in the middle of the towns of Bovina, Meredith, and Hamden, with the approximate distances between their respective courts and Delhi's court being 11.8 miles (about 22 minutes), 8.9 miles (about 13 minutes), and 6.9 miles (about 9 minutes). At their farthest points, these towns are approximately 13.5, 10, and 10.5 miles, respectively, from the Delhi court. Well-maintained county and state roads run directly through these municipalities and connect them to Delhi, making the town accessible from all three locales.

The courts in Delhi, Bovina, Hamden, and Meredith had a revenue to expenditure deficit in 2007, 2008, and 2009, and had well above the median cost per case in 2008, as shown in Table 9. Meredith's cost per case was the highest in the county (\$136), Bovina was second (\$99), Delhi was fifth (\$55), and Hamden was eighth (\$45). From 2007 to 2009, Delhi alone ran an \$83,100.91 deficit in its justice court. The collective revenue to expenditure deficit in all four towns over the period exceeds \$122,000.

Table 9. Municipal Group Financial Position

Municipality*	Revenues, 2007 to 2009	Costs, 2007 to 2009	Net Fiscal Impact, 2007 to 2009
Town of Hamden	\$18,789.74	\$29,047.58	(\$10,257.84)
Town of Meredith	\$7,128.50	\$22,835.77	(\$15,707.27)
Town of Bovina	\$12,419.50	\$25,611.86	(\$13,192.36)
Town of Delhi	\$152,945.00	\$236,045.91	(\$83,100.91)
Total	\$191,282.74	\$313,541.12	(\$122,258.38)

* Office of the State Comptroller (NYS), Justice Court Fund, 2007, 2008, and 2009 (with calculations made by the Intergovernmental Studies Program)

In 2008, the towns of Bovina, Hamden, and Meredith had a combined caseload of only 396. Delhi had a much higher caseload of 1,523 (though fully 1/3 of these cases were dismissed). To process and adjudicate all these cases, these four towns collectively employ 10 staff (5 justices and 5 clerks), and in 2008, paid them a total of \$92,996 (only including fringe benefits for Bovina). By way of comparison, two justice courts from a neighboring municipality had a similar number of cases, but employed fewer staff and spent approximately 35% less. The following table presents these comparative metrics:

Table 10. Municipal Group Staffing and Costs Per Case

	Delaware County Group (2008)	Municipality A (2007)	Municipality B (2007)
Caseload Total*	1,919	1,846	2,389
Justices**	5	2	2
Clerks**	5	1 (full-time)	2 (1 full-time, 1 part-time)
Total Staff**	10	3	4
Personal Costs*	\$92,996	\$56,571	\$61,803
Total Court Costs*	\$113,086.26	\$63,017	\$72,227
Justices Hours per Week**	--	4.6	3.25
Clerk Hours per Week**	--	39.5	51.5

* Office of the State Comptroller (NYS), Justice Court Fund, 2007 and 2008 (with coding and calculations done by the Intergovernmental Studies Program)

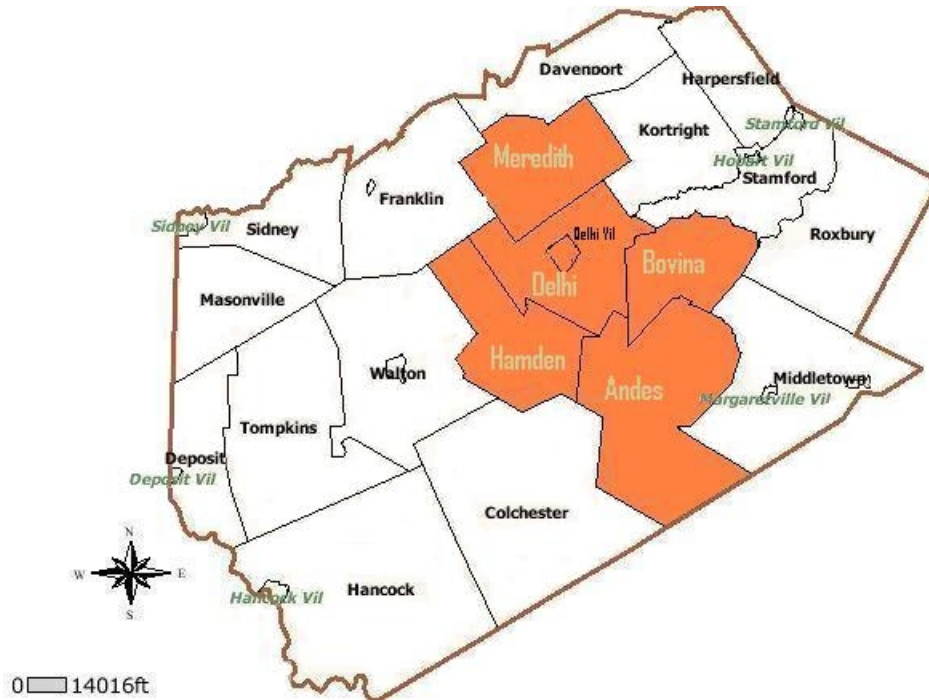
** Information provided to the Intergovernmental Studies Program from respective town justice courts

The above metrics suggest that, collectively, Delhi, Bovina, Hamden, and Meredith could reduce their overall staffing by 3 justices and 3 clerks, although the resulting workload increase for the remaining staff members would surely warrant an increase in compensation. This increased compensation for a smaller number of staff would likely be less than the amount saved on personal costs from consolidation.

There are other fiscal benefits in addition to savings on personal costs, including reduced fringe payments and lower costs associated with maintaining multiple justice court facilities (insurance, utilities, etc). The first table above displays total costs and revenues for these four justice courts from 2007 to 2009 (not including all fringe benefits). The total net loss, when incorporating equipment, capital outlays, and contract expenses, is \$122,258. If these courts had a total cost roughly equivalent to the example courts from a neighboring county (conservatively, approximately \$75,000), the net loss from these three years would have been approximately about \$90,000 less for that same 3-year period.

Only one of the four justice courts included in this scenario has more than one court clerk. The remaining courts run the risk of suboptimal internal controls. In addition to improving internal controls, a regional court comprised of the four towns would also be in a better position to develop a more professionalized clerk staff generally.

Figure 1. Municipal Group Map



The Town of Andes could potentially join such a consolidated court, though parts of Andes are more distant from Delhi than the other municipalities noted above. It is twenty miles from the farthest point in Andes to the Delhi justice court, and about 13.1 miles (19 minutes) court-to-court. Andes is adjacent to Delhi (as well as Hamden and Bovina) and carries a relatively light annual caseload (533 cases in 2008). To process its case, Andes employs two justices and a court clerk, paying a total of \$21,439.58 in personal costs (using OSC data, which do not capture all costs). Andes also had a high cost per case in 2008, ranking 7th of Delaware's 23 justice courts, and experienced a revenue to expenditure deficit in 2007, 2008, and 2009. The net fiscal loss in these years totaled \$27,404.38 in Andes, and when that is added to the four justice courts above, the total loss from 2007 to 2009 is \$149,663.

Again, while there is not a set statutory procedure for this particular justice court construct, the State Legislature and Governor have approved similar constructs not expressly stipulated in statute, and are currently considering legislation that will allow for more flexible and creative forms of justice court consolidation. The funds available through the Justice Court Assistance Program could help defray (and in all likelihood cover entirely) the costs associated with consolidating justice courts, relocating equipment and staff, and making any needed facility adjustments.

Summary of Benefits: Delhi is a direct and accessible neighbor to each of the other included municipalities. The travel distance is reasonable and the path is relatively direct. Under the construct recommended, the municipalities would achieve cost reductions. There would also be significant gains to be made in terms of court professionalism, both among justices and clerks, and internal controls (with 3 court clerks). Funds available through JCAP would ease the costs of transition to a regional justice court and permit upgrades to existing facilities in Delhi.

Potential Drawbacks: With each municipality added to an intergovernmental agreement, complexity rises and transaction costs increase. More relationships must be cultivated, and the

schedules and energies of municipal leaders must be synchronized to an unusual extent. And if municipalities have little intergovernmental history with their neighbors, particularly with those who are not themselves geographically contiguous, significant work will need to be undertaken. As more municipalities become involved, more effort must be committed, and the possibility that citizens oppose such plans and vote them down is likely to increase. Larger, more inclusive intergovernmental designs such as the one proposed above are also more likely to make citizens leery, for both practical and psychic reasons. Consolidation of this kind can be seen as putting distance between public entities and citizens, and run counter to strong feelings of local control and community identity. Others will oppose it for the job loss it would represent to some.

5a. Other Consolidation and Service Sharing Options in Delaware County

The example provided above is not the only possibility for justice court consolidation and service sharing in Delaware County. There is a larger swath of justice courts in central and eastern Delaware County that operate with consistent deficits (requiring additional taxpayer funding), incur generally higher case costs, have reasonable geographic proximity to one another, and could be strong candidates for consolidating or sharing services (and their attendant benefits). This geographic space contains 14 contiguous or subsumed municipalities, and the universe of combinations and degree of potential savings and benefits is wide. The potential benefits include increased professionalization in both justice and clerk ranks, enhanced internal controls, and reduced costs across all categories of expense sources (salaries, fringe benefits, equipment and operating expenses, etc). The potential fiscal benefits for the above example were presented in detail, and similar calculations can be made for any of the many possibilities for consolidation or service sharing discussed in this section.

Options for court restructuring designs within this 14 municipality expanse include: 1) village justice court dissolution into town courts, 2) the consolidation of a couple neighboring courts and reduction of justices (perhaps with village dissolutions preceding these consolidations), 3) the co-location of justice courts without a corporate merger (sharing or not sharing judges), 4) resource and staff sharing while maintaining separate offices and operations, 5) joint election of circuit-riding justices between towns and/or other towns and villages, 6) reduction of justices within town courts from 2 to 1, 7) the consolidation of multiple justice courts into regional justice courts with a reduction of justices (including the example provided above), and 8) a unified regional court with multiple facility locations distributed among participating municipalities (and also a reduction in the number justices).

It is again noted that the State Legislature and Governor have demonstrated a willingness to approve justice court restructuring designs not expressly spelled out in state law. For example, in Western New York, the Towns of Elba, Oakfield, and Batavia were given the support of the state to hold court in any facility within those three towns, “provided that such proceedings are held in a courtroom or other suitable facility open to the public.” The specific steps to be taken in effectuating the arrangements outlined above vary somewhat depending on whether or not court identity or justices are shared. The specific procedures associated with each option are outlined in Appendix C.

The potential benefits and drawbacks of this larger justice court construct are virtually the same as the previous recommendation, but on an increasingly large scale. Travel distance could become an issue, for example, but in communities where travel would become an issue, multiple court sites could be established.

5b. Other Partnership Possibilities

Within this set of municipalities are a number of potential direct restructuring partners for both Andes and Bovina. And of course, through these municipalities are the options noted above to establish justice courts with more local government partners. The study parameters did not allow IGSP to contact these other potential partners for Andes and Bovina, so the suggested partnerships are premised on contiguous location and having consistent fiscal losses. For Bovina, these local governments include the towns of Middletown, Stamford, Delhi and Roxbury. For Andes, direct restructuring efforts could be undertaken with the towns of Hamden, Delhi, and Middletown. Any combination of these municipalities is also possible for both Andes and Bovina.

Concluding Comments

Officials in Andes and Bovina pursued a broad shared services study to explore options for service provision that might ease fiscal pressures in the towns. With respect to the justice courts, each town faces a set of difficult decisions regarding the condition of their court facilities, and neither town is in a position to solve the problem by undertaking a costly building project. The first finding of this study confirms that court and town officials are in agreement about the potential value of a shared court facility for justice court operations in Andes and Bovina. Their interests extended to the possibility of sharing clerical support, equipment, and back office costs if agreement can be reached. But the data also showed that the total workload in the two courts, compared to other justice courts in the county and neighboring counties, could be combined and remain manageable. Combining the courts through a merger would allow the two towns to reduce to two justices or a single justice, and realize some salary savings. Other court restructuring possibilities exist across the county, and the study data may prompt discussions beyond Andes and Bovina. In these recommendations, we focused on actions that were supported by the findings and had some expressed support by court and municipal officials in Andes and Bovina. We hope that the study results provide sufficient material to launch a collaborative discussion on justice court services.

**Appendix A: All Delaware County Justice Court Costs, Revenues, and Net Fiscal Impacts,
2007-09**

Municipality	Court Costs and Revenues*				Net Fiscal Impacts
		2007	2008	2009	
HANCOCK	Revenue:	\$38,515.15	\$34,695.06	\$67,287.28	\$70,277.82
	Cost:	\$22,543.00	\$21,601.00	\$26,095.67	
COLCHESTER	Revenue:	\$56,063.50	\$41,853.50	\$48,999.00	\$14,535.82
	Cost:	\$44,771.96	\$44,394.22	\$43,214.00	
MIDDLETOWN	Revenue:	\$36,027.50	\$55,160.50	\$53,279.12	(\$55,589.88)
	Cost:	\$63,286.00	\$69,756.00	\$67,015.00	
SIDNEY	Revenue:	\$62,346.33	\$50,127.22	\$43,218.50	\$43,841.19
	Cost:	\$26,762.32	\$54,761.02	\$30,327.52	
SIDNEY (V)	Revenue:	\$63,563.00	\$51,032.42	\$76,397.00	\$88,554.29
	Cost:	\$32,844.00	\$33,241.40	\$36,352.73	
DELHI	Revenue:	\$41,173.00	\$57,319.00	\$54,453.00	(83,100.91)
	Cost:	\$72,373.22	\$83,410.93	\$80,261.76	
WALTON (V)	Revenue:	\$39,710.00	\$29,791.00	\$31,353.00	\$27,474.00
	Cost:	\$22,584.00	\$24,097.00	\$26,699.00	
DEPOSIT	Revenue:	\$22,360.00	\$25,312.50	\$27,593.00	\$2,530.15
	Cost:	\$24,945.12	\$24,382.90	\$23,407.33	

* Office of the State Comptroller, 2007-2009 (with calculations made by the Intergovernmental Studies Program)

**Appendix A: All Delaware County Justice Court Costs, Revenues, and Net Fiscal Impacts
(continued)**

Municipality	Court Costs and Revenues				Net Fiscal Impacts
		2007	2008	2009	
MASONVILLE	Revenue:	\$27,851.00	\$28,000.00	\$29,290.00	\$43,463.17
	Cost:	\$11,829.71	\$13,097.68	\$16,750.44	
ROXBURY	Revenue:	\$16,063.87	\$16,633.50	\$13,961.00	(\$87,845.63)
	Cost:	\$21,808.00	\$49,193.00	\$63,503.00	
ANDES	Revenue:	\$12,304.50	\$20,200.00	\$14,301.50	(\$27,404.38)
	Cost:	\$21,596.21	\$25,753.21	\$26,860.96	
STAMFORD (V)	Revenue:	\$12,532.74	\$15,136.50	\$14,617.50	\$16,577.74
	Cost:	\$11,665.10	\$7,436.06	\$6,607.84	
HANCOCK (V)	Revenue:	\$9,427.00	\$9,962.00	\$14,064.40	\$1,719.54
	Cost:	\$10,920.92	\$8,016.04	\$12,796.90	
DAVENPORT	Revenue:	\$33,885.50	\$28,787.50	\$20,118.20	\$32,109.15
	Cost:	\$22,622.74	\$12,916.99	\$15,142.32	
WALTON	Revenue:	\$15,436.44	\$11,175.02	\$17,605.38	(\$30,624.09)
	Cost:	\$22,469.55	\$26,633.50	\$25,737.88	
STAMFORD	Revenue:	\$8,965.50	\$8,939.50	\$10,156.50	(\$11,661.50)
	Cost:	\$13,138.00	\$13,824.00	\$12,761.00	

* Office of the State Comptroller, 2007-2009 (with calculations made by the Intergovernmental Studies Program)

**Appendix A: All Delaware County Justice Court Costs, Revenues, and Net Fiscal Impacts
(continued)**

Municipality	Court Costs and Revenues				Net Fiscal Impacts
		2007	2008	2009	
KORTRIGHT	Revenue:	\$9,040.50	\$9,936.00	\$10,000.00	(\$6,878.84))
	Cost:	\$11,081.93	\$13,461.82	\$11,311.59	
FRANKLIN	Revenue:	\$8,250.00	\$6,295.25	\$9,152.50	N/A
	Cost:	\$7,830.08	\$8,298.62	N/A	
HARPERSFIELD	Revenue:	\$6,664.00	\$7,025.00	\$5,712.50	(\$22,164.10))
	Cost:	\$10,814.44	\$11,649.27	\$19,101.89	
TOMPKINS	Revenue:	\$4,150.00	\$3,522.50	\$4,698.50	(\$6,891.00))
	Cost:	\$5,136.00	\$6,183.00	\$7,943.00	
HAMDEN	Revenue:	\$6,459.34	\$6,506.00	\$5,824.40	(\$10,257.84))
	Cost:	\$9,497.14	\$10,429.58	\$9,120.86	
BOVINA	Revenue:	\$5,317.00	\$3,080.00	\$4,022.50	(\$13,192.36))
	Cost:	\$8,272.82	\$8,890.01	\$8,449.50	
MEREDITH	Revenue:	\$2,575.00	\$2,003.00	\$2,550.50	(\$15,707.27))
	Cost:	\$5,749.00	\$10,355.74	\$6,731.03	

* Office of the State Comptroller, 2007-2009 (with calculations made by the Intergovernmental Studies Program)

Appendix B: Profiles of Andes and Bovina Justice Court Operations

Town	Metric	2007	2008	2009
ANDES	Caseload			
	<i>Total</i>	405	533	NA
	<i>In-House</i>	294	399	NA
	Court Revenues			
		12,304.50	20,200.00	14,301.50
	Court Costs			
	<i>Local</i>	NA	32,117.80	39,321.16
	<i>OSC</i>	21,596.21	25,753.21	26,860.96
	Financial Position			
	<i>Local</i>	NA	(11,917.80)	(25,019.66)
	<i>OSC</i>	(9,291.71)	(5,553.21)	(12,559.46)
	Cost per Case (Total)			
	<i>Local</i>	NA	60.26	NA
	<i>OSC</i>	53.32	48.32	NA

Town	Metric	2007	2008	2009
BOVINA	Caseload			
	<i>Total</i>	132	90	NA
	<i>In-House</i>	81	62	NA
	Court Revenues			
		5,317.00	3,080.00	4,022.50
	Court Costs			
	<i>Local</i>	8,694.00	9,328.00	8,922.00
	<i>OSC</i>	8,272.82	8,890.01	8,449.03
	Financial Position			
	<i>Local</i>	(3,377.00)	(6,248.00)	(4,899.50)
	<i>OSC</i>	(2,955.82)	(5,810.01)	(4,426.53)
	Cost per Case (Total)			
	<i>Local</i>	65.86	103.64	NA
	<i>OSC</i>	62.67	98.78	NA

Appendix C: Overview of Court Restructuring Options and Procedures

Restructuring Option	Pertinent Restructuring Law and Procedure
Village Court Dissolution	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.
Reduction of Justices in a Town	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.
Full Consolidation (Two or More Justices)	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.
Joint Election of a Justice	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).
Joint Facility Sharing	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.
Full Consolidation (One Justice for Two or More Municipalities)	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.

District Courts

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.

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.

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.

Appendix D: Summary of NYS Justice Court Restructuring Activities

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 had deteriorating court facilities. None of the three towns was in a position to erect a new courthouse containing the features needed in a full service, contemporary justice court. The towns 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 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 in 2011. 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.

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 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.

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

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.

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

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 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.

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

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.

Location: Orleans County, NY
Date: 2005
Participants: Towns of Ridgeway and Shelby
Agenda: Justice court consolidation
Status: Successful

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 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.

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

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.

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

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 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 E: *Justice Court Resources and Information*

Reports and Guides on Justice Court Operations, Restructuring and Reform

New York State Office of the State Comptroller. 2010. *Handbook for Town and Village Justices and Court Clerks*.

<http://www.osc.state.ny.us/localgov/pubs/jch.pdf>

New York State Office of the State Comptroller. 2010. *Report on the Justice Court Fund*.

<http://www.osc.state.ny.us/localgov/pubs/research/justicecourtreport2010.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 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

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

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

New York State Department of State. 2005. *Shelby-Ridgeway Town Court Merger Case Study*.

<http://www.fredonia.edu/regionalism/pdf/Shelby-Ridgeway%20Town%20Court%20Merger.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

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

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

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

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

Sample Justice Court Audit Reports

2010 Town Audits

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Alfred, Internal Controls Over Highway Purchasing and Justice Court Operations*.

<http://www.osc.state.ny.us/localgov/audits/towns/2010/alfred.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Bethany, Justice Court*.

<http://www.osc.state.ny.us/localgov/audits/towns/2010/bethany.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Cortlandt, Internal Controls Over Selected Justice Courts' Financial Activities*.

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/cortlandt.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Harrison, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/harrison.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Hinsdale, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/towns/2010/hinsdale.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Neversink, Internal Controls Over Payroll and Justice Court Operations.*

<http://www.osc.state.ny.us/localgov/audits/towns/2010/neversink.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Turin, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/towns/2010/turin.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Town of Wallkill, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/wallkill.pdf>

2010 Village Audits

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Blasdell, Internal Controls over the Water Fund and Justice Court Operations.*

<http://www.osc.state.ny.us/localgov/audits/villages/2010/blasdell.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Buchanan, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/buchanan.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Coldspring, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/coldspring.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Greenwood Lake, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/greenwoodlake.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Herkimer, Justice Court.*

<http://www.osc.state.ny.us/localgov/audits/villages/2010/herkimer.pdf>

New York State Office of the State Comptroller. 2010. *Report of Examination: Village of Port Chester, Internal Controls Over Selected Justice Courts' Financial Activities.*

<http://www.osc.state.ny.us/localgov/audits/swr/2010/justicecourts/portchester.pdf>

2009 Select Town Audits

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

2007 Select Town Audits

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>

2006 Select Town Audits

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>

Important Websites and Contact Information

Association of Towns of the State of New York

Phone: (518) 465-7933

www.nytowns.org

The Fund for Modern Courts

(212) 541-6741

www.moderncourts.org

New York State Associate of Magistrates Court Clerks

(516) 599-0722

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

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/

New York State Office of the State Comptroller. 2010. Fiscal Oversight Responsibilities of Governing Boards.

http://www.osc.state.ny.us/localgov/pubs/lgm/fiscal_oversight.pdf

Appendix F
Key Constitutional and Statutory Laws on the Justice Courts

New York State Constitution

Article 6: Judiciary

- 16: District courts; jurisdiction; judges.
- 17: Town, village and city courts; jurisdiction; judges.
- 20: Judges and justices; qualifications; eligibility for other office or service; restrictions.
- 22: Commission on Judicial Conduct.
- 29: Expenses of courts.

New York State Statutes

Town Law:

Article 3

- 20: Town officers.
- 23: Eligibility of town officers.
- 24: Terms of office.
- 31: Powers and duties of town justices; requirements; restrictions.

Article 4

- 60 A (2): Removal of town justices from town board

Unified Justice Court Act (UJCA):

Article 1

- 106: Holding of court; place of holding; assignment of justices.
- 106-A: Reducing the number of justices in adjacent towns.
- 106-B: Election of a single town justice for two or more adjacent towns.

Judiciary Law:

- Article 21-B Justice Court Assistance Program

Village Law:

Article 3

- 300: Eligibility for election or appointment to, and continuance in office.
- 301: Village officers.
- 303: Additional village justices in certain villages.