



THE CITIZEN COURT MONITORING
PROGRAM'S
REPORT ON THE DUTCHESS COUNTY
TOWN AND VILLAGE COURTS

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I. INTRODUCTION

The Fund for Modern Courts is an independent, statewide court reform organization committed to improving the judicial system for all New Yorkers. Our court monitoring program, along with our citizens jury project, education and advocacy programs, identifies problems that affect our State's courts and offer information and recommendations about how to make the courts more effective, fair and accessible to all residents of the state. In addition, by building relationships with community members, other advocacy groups, and state and local governments Modern Courts works with all who want to ensure an independent and highly qualified judiciary.

This report describes the results of Modern Courts' court monitoring program of Town and Village Justice Courts in Dutchess County initiated and completed during the fall of 2007.

A. Citizen Court Monitoring

The Citizen Court Monitoring program, which began in 1975, is a statewide program that recruits non-lawyer, local volunteers to observe court proceedings in their communities. The monitors' findings and recommendations are published by Modern Courts and released to the public, court administrators, judges, court personnel, government officials¹, lawmakers, bar associations, civic groups, and the media.

Monitors are local volunteers who look at the courts from an average citizen's viewpoint, thereby providing a fresh, common-sense perspective on how courts serve the public. In the past, Modern Courts' court monitoring program has been influential in publicizing problems that exist in the courts; urging those responsible for the courts to make improvements, particularly in facilities and court operations; and educating citizens about the daily functions and operation of

¹ This report will be shared with the town and village governments that are responsible for the operations of the Town and Village Justice Courts in Dutchess County.

their courts in order to create a constituency of citizens who understand the problems facing the court system and who support efforts to assist the courts to function efficiently and effectively.

B. Monitoring Town and Village Justice Courts

Recently, serious questions have been raised and concerns expressed about the nature, operations and quality of New York State's Justice Court system in government studies such as the May 2006 report of the Office of the State Comptroller that identified the mishandling of money in one third of the justice courts audited and urged reform of their budgetary management and operations systems, and the June 2006 report of The Spangenberg Group on the status of indigent defense in New York².

In addition, the release in November 2006 of the Action Plan for the Justice Courts, prepared by the New York State Unified Court System, focused public attention on the significant needs of the Town and Village Justice Courts and outlined dozens of new initiative and programs to assist those courts.

During 2007, Chief Judge Kaye's Commission on the Future of the Courts (chaired by Carey Dunne) held extensive hearings and traveled across the State to study the Justice Courts and provide recommendations for reform. Criminal defense attorneys, civil legal services, court clerks, individual judges, victims of domestic violence, lobbyists for mayors and towns, government agencies, bar associations and others have addressed the Justice Court issues. Articles in local newspapers and in the *New York Times* also highlighted problems within the Town and Village Justice Court system.

As a result of these questions and concerns, Modern Courts determined that it was essential to a full and fair discussion of those justice courts, which have been described as "the

² Prepared for New York Chief Judge Judith S. Kaye's Commission on the Future of Indigent Defense Services.

face of justice for a great many New Yorkers³,” for local citizens to monitor their Justice Courts and report their findings.

Town and Village Justice Courts

Located in every county (57 in number) outside of New York City, there are more than 1,200 Town and Village Justice Courts, with nearly 2,200 judges throughout New York State. Town and Village Justice Courts hear a broad range of criminal and civil cases. The criminal matters include a wide variety of crimes (e.g. assaults, criminal trespasses, and petit larcenies), domestic violence cases, and driving while intoxicated (DWI) cases, in addition to traffic and other violations, and arraignments and other preliminary hearings for felony cases. The civil jurisdiction includes cases involving amounts up to \$3000, landlord tenant matters, and local ordinance violations.

Although local Town and Village Justice Courts are constitutionally part of the New York’s Unified Court System, these courts are funded and administered by local town and villages. This means that the locality funds, operates and maintains its court facilities, hires its own personnel, provides its own security, and determines the Justice Court’s hours of operation. Many of these justice courts meet in the evenings; some meet as infrequently as once a month.

Justice Courts are unique in several other ways – they are the only courts in which non-attorney judges⁴, who are elected, are allowed to preside after completing a brief Office of Court Administration (OCA) training course; and they are not “courts of record,” meaning verbatim recording of proceedings are not required, which makes it difficult to have cases reviewed by appellate courts or ensure that litigants’ rights are protected.

³ Judith S. Kaye and Jonathan Lippman, New York State Unified Court System, Action Plan for the Justice Courts, Preface (2006).

⁴ Approximately 72 % of the town and village judges in New York State are non-lawyers.

II. PROJECT: COURT MONITORING IN DUTCHESS COUNTY TOWN AND VILLAGE JUSTICE COURTS

Modern Courts determined that the monitoring of all the Justice Courts in all the counties of the State would provide useful information for the general public, policy makers, judicial administrators, the town and village governments that support these courts and, most importantly, the residents who use these courts. But because of limited resources Modern Courts decided to initiate its Town and Village court monitoring program in Dutchess County⁵. Our goal was to monitor as many of the Justice Courts within Dutchess County during a three month period as practical, so that an initial report could be issued in early 2008. Subsequently, the monitoring program would be expanded so that additional reports on the justice courts of other counties could be issued during 2008.

Prior to the start of monitoring in Dutchess County, Modern Courts recruited volunteer monitors and held a general informational and training program for them about the Town and Village Court system at the Hyde Park Library on September 19, 2007. At this meeting, Hyde Park Town Court Judge David Steinberg spoke to the monitors about the handling of criminal proceedings in the Justice Courts, which included a discussion of setting bail and the assignment of counsel for indigent defendants. Kathleen Healey, Legal Services of the Hudson Valley's Managing Attorney for Dutchess, Putnam and Ulster County, spoke to the monitors about the issuance of orders of protection and other matters related to both domestic violence and landlord-tenant proceedings in the Town and Village Courts.

The training provided the local volunteers with an overview of their local Town and Village Justice Courts, and instructed them on monitoring procedures, including the use of

⁵ A court monitoring program also was initiated in Saratoga County, and a report on that county is being prepared.

Modern Courts' evaluation form⁶ by the volunteer monitors during the project. A Town and Village Justice Courts monitoring handbook was developed that provided maps, driving directions, addresses and hours of operations of all 27 Justice Courts as well as background material on the distinct nature of the Town and Village Justice Court and the types of cases to be heard in these courts.

On December 11, 2007, a wrap-up meeting was held, during which the volunteers provided additional comments regarding their observations of the Town and Village Justice Courts and feedback on the monitoring forms and other aspects of the monitoring process. This meeting included a presentation by Dutchess County Public Defender David Goodman on his organization's provision of legal services to indigent defendants across Dutchess County.

A. Dutchess County and Its Town and Village Justice Courts

Dutchess County has a population of approximately 295,146 according to the 2006 United States Census Bureau estimates, which represent a 5.4 % increase from its population of 280,150 in the year 2000. The largest towns in the county are Poughkeepsie (39,254) followed by Wappinger (22,292), East Fishkill (22,101), and Hyde Park (21,230). The other towns have significantly smaller populations. The largest villages are Wappingers Falls (4,605) and Rhinebeck (2,275).

Dutchess County has a total of 27 Town and Village Justice Courts. There are 20 Town Justice Courts: Amenia, Beekman, Clinton, Dover, East Fishkill, Fishkill, Hyde Park, LaGrange, Milan, North East, Pawling, Pine Plains, Pleasant Valley, Poughkeepsie, Red Hook, Rhinebeck, Stanford, Union Vale, Wappinger, and Washington. And there are 7 Village Justice Courts: Fishkill, Millbrook, Pawling, Red Hook, Rhinebeck, Tivoli, and Wappingers Falls.

⁶ This form ("monitoring form") was developed specifically for the monitoring of Town and Village Justice Courts and includes suggestions from local volunteers, attorneys and other advocates who work in these courts. A copy of the monitoring form is attached as Appendix I.

In Dutchess County, there are 51 Town and Village judgeships occupied by 48 judges.
Three judges sit in multiple courts.

III. MONITORS' OBSERVATIONS OF DUTCHESS COUNTY TOWN AND VILLAGE JUSTICE

COURTS

After analysis of all 64 reports submitted by the monitors, Modern Courts' staff organized those observations into the following subject matter areas:

- A. Proceedings Observed**, including number and types of cases observed;
- B. Court Facilities**, including access for disabled persons, security, signage and parking concerns;
- C. Court Operations**, including maintenance of order, and caseload and scheduling;
- E. Criminal Cases**, including arraignment proceedings, appointment of attorneys for indigent defendants, proceedings involving young defendants, and domestic violence cases;
- F. Traffic Cases; and**
- G. Civil Cases**, including landlord-tenant cases.

A. Proceedings Observed

During the monitoring period, monitors observed proceedings in **25 of the 27** Town and Village Justice Courts located in Dutchess County; monitors did not observe proceedings in the Pawling or Red Hook Village courts. Monitors observed **64 courts sessions** in the Town and Village Justice Courts in Dutchess County. Individual courts were monitored within a range of from one to five times during the project.⁷

The total number of proceedings observed for the monitoring period (September 19, 2007 to December 12, 2007) was **2801**. Of that number;

- **60.3%** (1689) involved **criminal matters**, including 51 (**3.1%**) **domestic violence** cases,
- **37.3%** (1044) were **traffic cases**,
- **1.4%** (40) involved **general civil matters**,
- **0.55%** (16) were **housing cases** (Landlord/Tenant), and
- **0.43%** (12) **other cases** (i.e. ordinance violations/ zoning, etc).

It is notable that in **23.56 %** (398 of the 1689) of the criminal cases observed by the monitors, the defendant did not have legal representation during the proceedings. This is of considerable concern given that representation by an attorney is a constitutional right and critical to the fair administration of the criminal justice system. The monitors also noted in that in 89⁸ of the non-criminal proceedings observed, litigants did not have legal representation during the proceedings.

⁷ The number of times each court was visited and monitored can be found in Appendix II.

⁸ This number refers to civil and other types of cases observed. In traffic offense cases, the monitors found that litigants were often unrepresented but did not note the exact number of self-represented defendants.

B. Court Facilities

In order for any court to provide for the fair administration of justice, the facility that houses that court must ensure that the dignity of the proceedings is maintained. If the public is to have confidence in the operations of the court, the facility must meet certain standards.

Modern Courts' monitors observed the facilities of 25 of the 27 Town and Village Justice Courts in Dutchess County. As previously noted, these court facilities are funded, operated and maintained by the local towns and villages.

The monitors reported the following:

- The vast majority (**23 of the 25**) of court facilities observed were described as “well-maintained.” However, monitors reported that the Amenia Town and the Millbrook Village court facilities were not well-maintained. For example, the monitors who visited the Amenia Town reported that, “The building is very old and needs many repairs and new fixtures. It is very crowded. It was as clean as it probably could be but the stains are bad on the fixtures and walls. They desperately need a new and larger facility,” and that, “[t]he courtroom was crowded, messy, and noisy. ... Amenia needs new facilities.” The monitors who visited the Millbrook Village court facilities found, “The space was totally inadequate. No security, poor access to the second floor, no apparent elevator, and no signs or direction. This court desperately needs other accommodations.”
- **80%** (20 of the 25) of court facilities observed did not have “space allocated in the courthouse for private attorney-client conferencing.” The only five that did were Clinton, Fishkill, Milan, Poughkeepsie, Union Vale, and Washington Town courts.

- **80%** (20 of 25) of courts facilities observed appeared accessible for disabled persons. However, monitors reported that Fishkill Village, Millbrook Village, Pine Plains Town, Tivoli Village, and Wappingers Falls Village court facilities appeared inaccessible to those with disabilities. For example, monitors who visited the Tivoli Village court noted that, “The court room is on the second floor, steep stairs, and no elevator.” Monitors who visited the Millbrook Village court reported, “You have to go upstairs for court ... This place is not handicapped accessible.”
- **None** of the court facilities observed had a waiting room outside the courtroom for litigants and the public.

Security

- **88%** (22 of the 25) of court facilities observed did not have a magnetometer at the entrance of the court. Only Poughkeepsie Town, Wappinger Town, and Wappingers Falls Village had a magnetometer.
- **56%** (14 of 25) of court facilities observed had “sufficient/secure distance in the courtroom between the parties.” However, monitors reported that Amenia Town, Beekman Town, Millbrook Village, North East Town, Pleasant Valley, Rhinebeck Village, Stanford Town, Tivoli Village, Wappingers Falls Village, Pine Plains Town and Washington Town courts appeared too small or crowded to ensure a secure distance between parties.

Courtrooms

- **20%** (5 of the 25) of the courts observed had courtrooms that were both inadequate in size for the proceedings and did not have a sufficient number of

seats. These courts were Amenia Town, Beekman Town, East Fishkill Town, Millbrook Village, and Pleasant Valley Town.

Signage

- **None** of the courts observed had multi-lingual and/or Braille signage.

Parking

- **24% (6 of 25)** of the courts observed had insufficient lighting in their parking lots. This is significant because many of the Town and Village Justice Court sessions are held during the evening or at night. These courts were Clinton Town, Dover Town, Millbrook Village, Rhinebeck Town, Wappinger Town, and Washington Town. For example, monitors who visited the Washington Town Court noted that, “Lighting in the parking area was almost non-existent.” One monitor who visited the Dover Town Court reported, “Outside lighting needs to be addressed for the parking lot. None was available.”

Additional facilities comments regarding each of the courts observed can be found in Appendix III.

Recommendations

Maintenance of Court Facilities

Monitors reported that court facilities in Amenia Town and Millbrook Village were not well-maintained. The Town and Village should assess the conditions of their court facilities and make the necessary repairs if possible. If not, they should consider relocating, or building a new facility that provides a well-maintained and accessible facility that allows these courts to perform their essential functions efficiently with a safe environment for the litigants and those who work in these courts.

Attorney/Client Conferencing Space⁹

Monitors observed that 80% of the court facilities observed did not have space allocated in the courthouse for attorney-client conferencing in private. In some cases, this deficiency led to noisy courtrooms because attorneys were forced to meet with their clients in the courtroom during the proceedings. In addition, such circumstances present the potential for a breach of attorney-client confidentiality, because information has to be exchanged between attorneys and their clients in a public courtroom. Each court should allocate space within its facilities for attorney-client conferencing both to maintain order in the courtroom and to provide for attorney-client confidentiality.

Accessibility¹⁰

Monitors reported that 20% (5 of 25) of courts facilities observed appeared inaccessible for those with disabilities. Modern Courts urges that Fishkill Village, Millbrook Village, Pine Plains Town, Tivoli Village, and Wappingers Falls Village take steps to provide reasonable accommodations and assistance to those who need them and are entitled to them under the Americans with Disabilities Act.

Security

Monitors reported that the vast majority (88%, or 22 of the 25) of court facilities observed did not have a magnetometer at the entrance of the court. Given the large volume of criminal cases heard by Dutchess County Town and Village Justice Courts, including felony arraignments, those 22 towns and villages without magnetometers or other entrance screening devices should act quickly to acquire such security devices. It should be noted that Chief Judge

⁹ In some courts, space was allocated in another town or village building, or the judge's chambers were used.

¹⁰ It should be noted that Chief Judge Judith S. Kaye's Action Plan for the Justice Courts recommends the development of a survey and assessment form for Justice Courts in order to identify barriers that limit full participation in those facilities.

Judith S. Kaye's Action Plan for the Justice Courts has provided aid to localities for the acquisition of these security devices.

Courtrooms

Monitors observed that 5 courtrooms were inadequate in size or seating for the proceedings being held in them. Larger courtrooms and/or nearby easily accessible waiting areas are needed for the Amenia Town, Beekman Town, East Fishkill Town, Millbrook Village, and Pleasant Valley Town Justice Courts in order to reduce noise in these courtrooms related to overcrowded conditions and to ensure that litigants and those in the courtroom can hear the calendar call and other announcements from court personnel.

Signage

None of the 25 Town and Village Courts observed had multi-lingual signs although they reported that in many of the courts observed that either an interpreter was used or needed by litigants, who did not speak or had difficulty understanding English. Multi-lingual signage, particularly in the foreign language or languages that frequently require interpreters should be placed in those courts.

Parking

Monitors reported that the lighting in the parking lot was inadequate in 6 of the 25 court facilities observed. These courts commonly hold court sessions in the evening and in the some cases the night, which means litigants and other visitors to the courts often must leave the court in darkly lit or unlit conditions. The lighting of these court facilities' parking lots should be improved to better safeguard the litigants, staff, and visitors to these courts.

C. Courts Operations

Maintenance of Order

Monitors reported that many of the 25 Justice Courts observed were orderly and quiet during the proceedings observed, enabling the participants in the proceedings to be heard by the monitors, those litigants awaiting their cases to be called by the judge or other court personnel, and those family members accompanying litigants. Among those courts, Beekman, Clinton, Milan, and Pawling Town were specifically cited as being quiet and orderly. For example:

- Quietest court that I have ever been in. Court officer called cases by sequence number and name and his voice could be heard throughout the court room. (Beekman Town)
- It was a well-run and quiet courtroom. (Clinton Town)
- The court officers had excellent control of courtroom. Judge (Michael Martin) was easy to hear. (Fishkill Village)
- Noise was not an issue at all even without any court officers. (Milan Town)
- The court room was quiet and orderly during proceedings. (Pawling Town)
- There was no chatter among the lawyers or general courtroom [while Judge Page presided]. (Red Hook Town)
- The judge (Frank Weber) certainly had control of his court. (Stanford Town)
- There was definite control of the court room. You could hear a pin drop. (Tivoli Village)

However, the monitors, who made multiple visits to some courts, reported that LaGrange, Pleasant Valley, and Wappinger Town Justice Courts were noisy and disorderly. For example:

- The courtroom was a three ring circus. There was so much commotion and so much going on at the same time. (LaGrange Town)
- I don't think anyone had control of the courtroom. It was a zoo. (Pleasant Valley Town)

- No attempt by court officer to stop all the chatter in the room. The lawyers were all having a gab fest. She [the judge] chattered and laughed with private attorneys and her clerk. (Red Hook Town)
- It was very noisy in the court. Doors to the court were not closed and numerous people remained outside the courtroom in the adjacent hall. This included one five year old girl who I could hear from inside the court in the first row. When her family's case was called the child ran around the courtroom. A teenager sat 2 seats away from me in the front row [and] continued to talk to his friend for 1 ½ hours without ever shutting up. He was never asked to stop talking by anyone. Late in the session the judge [Heather Kitchen] yelled for quiet in the courtroom but all the court officers just seemed to process folders [and hand them] to the judge and never controlled the noise in the courtroom. (Wappinger Town)

In some cases, the noise in the courtroom was attributed to the inadequate facilities in which some of the courts were housed. For example:

- The door is constantly being banged. The people waiting in the hallway are crowded together as it is very small. Therefore, it is very noisy.(Amenia Town)
- The courtroom was too noisy. The judge requested silence only twice. Between the banging of the gate, the noisy door, and sometimes noisy courtroom, it was difficult to hear. Troopers and deputies who appeared called defendants from front and rear of the courtroom at the same time as the judge was calling names. (LaGrange Town)
- The judge asked for the door to be closed because of the noise of the police department next door. (Pine Plains Town)

Monitors also observed that court personnel in some noisy courts did not attempt to maintain order and quiet.

- This court seemed very casual – noisy [with] no one in control as one would expect. (Amenia Town)
- The court officer made no attempt to quiet the lawyers or make them turn off their cell phones. (Hyde Park Town)
- The judge [Paul Caltagirone] exercised no control over the noise which prevailed in the hallway and the courtroom doors were wide open. (Pleasant Valley Town)
- The courtroom was very noisy as no one tried to quiet all the chatter. (Wappinger Town)

Recommendation

Monitors reported that several courts observed (LaGrange, Pleasant Valley, and Wappinger Town Justice Courts) were noisy and disorderly during multiple observations. In some instances, the noise was attributed to the inadequacy of the size or location of the court facilities. But in others, monitors observed that the judges and court personnel did not ask for quiet or otherwise attempt to reduce the noise level in the courtroom. Local officials should address facilities issues such as courtrooms that are too small or without waiting areas which contribute to the noise and disorderliness in these courts. In addition, judges and court personnel should inform those in the courtroom prior to the beginning of court proceedings, and periodically during the court session that attendees should remain silent during the proceedings.

Caseload and Scheduling

In Dutchess County, as is the case with all Justice Courts in New York State, each town and village sets its own Justice Court's hours of operation including the frequency of court sessions. One court had sessions scheduled as frequently as four times a week (Poughkeepsie Town), while another court had sessions scheduled as infrequently as once a twice a month (Tivoli Village). Most of the courts had sessions scheduled at least once a week. Some Town Courts such as Amenia, Clinton, Dover, Milan, Fishkill, Hyde Park, Pleasant Valley, Stanford, and Wappingers Fall Village courts had court sessions scheduled several times a week. Regardless of the frequency that these courts were required to meet, each of the Town and Village Courts in Dutchess County are allowed only two judges. In fact the Pawling Village, Red Hook Town and Red Hook Village Justice Courts each had one sitting judge during this project.

Monitors noted that the caseloads of some justice courts were large while other courts had significantly smaller caseloads on the occasions they were observed. For example, one

monitor observed the Town of Poughkeepsie Court handled 248 cases during one observation – the largest number of proceedings observed during one court session during this monitoring project. In a subsequent observation of the Poughkeepsie Town Court, another monitor observed 185 cases.

The monitors made the following comments regarding the caseloads in the Town Court of Poughkeepsie:

- 185 cases in 3 ¼ hours obviously the judge had to be efficient. Judge Banner was very professional and in control. This court has a large number of litigants every time so with the exception of taking so long to get in the courtroom they know how to move the cases.
- Today, Judge Sullivan had a [relatively] short caseload (58 cases) but dispensed of it very quickly while not rushing anyone.

In addition, monitors observed busy caseloads in the East Fishkill (172 cases), Pleasant Valley (108 cases), LaGrange (96 cases), Fishkill (92 cases), Dover (86 cases) and Milan (86 cases) Town courts.

Monitors made the following comments regarding some of the larger caseloads in the courts observed:

- I was shocked that a court such as Dover would have 86 cases. (Dover Town)
- The 96 cases were handled efficiently in 4 hours time. (LaGrange Town)

Conversely, monitors also observed court sessions in multiple courts during which fewer than 10 cases were heard. These observations occurred in Millbrook Village (5 cases), Union Vale Town (5 cases), Pine Plains Town (7 cases), Rhinebeck Village (7 cases), and Washington Town (8 cases) courts.

Recommendation

Consolidation

Given the extremely small caseloads of the Millbrook Village Justice Court (5 cases) and the Rhinebeck Village Justice Court (7 cases) observed by the monitors, both villages should assess the number of cases heard by these courts and should either consider joining with the Town Justice Courts that cover the same geographic jurisdiction, or dissolving their Justice Courts if these Village Courts consistently hear small caseloads. The small caseload, observed by the monitors, of the Union Vale Town Justice Court (5 cases) and Pine Plains Town Justice Court (7 cases) suggests that these towns should consider conducting a similar assessment and possible consolidation of their courts with an adjacent town court.

D. Criminal Cases

As noted previously, the majority of cases observed by court monitors involved criminal matters. Given the large number of such cases and the concerns expressed about the protection of the constitutional rights of defendants and the protection of victims in these cases, Modern Courts' monitors recorded observations about a number of aspects of criminal cases, including arraignment proceedings, the appointment of attorneys for indigent defendants, proceedings involving young offenders, and domestic violence cases.

Arraignments

An arraignment is the court proceeding during which a person, who has been arrested, is informed of the charges against him or her.¹¹ Arraignments are a critical part of a criminal proceeding because it is the first time that a defendant appears before a judge. It is absolutely essential that the judge protect the constitutional rights of the defendant when arraigning a defendant. In addition, the defendant is informed of the right to counsel and advised that if he or she cannot afford an attorney one will be assigned for the entire case at the state's expense. If the defendant plans to hire an attorney, but has not done so at the time of arraignment, an attorney can be assigned for the arraignment only. If charged with a felony, the defendant is informed that within 144 hours of arrest he or she has the right to a preliminary hearing or a grand jury indictment. In addition, the defendant is given notice of whether any incriminating statements were made to the police and whether witnesses identified him or her. Finally, the defendant is asked to enter a plea of guilty or not guilty.

¹¹ N.Y.CPL §1.20 (9) (McKinney 2008) defines arraignment as "the occasion upon which a defendant against whom an accusatory instrument has been filed appears before the court in which the criminal action is pending for the purpose of having such court acquire and exercise control over his person with respect to such accusatory instrument and of setting the course of further proceedings in the action."

Judges in Town and Village Justice Courts regularly arraign defendants who are accused of crimes within their jurisdictions. And while a criminal defendant usually must be brought to the local court for arraignment within 24 hours of arrest, many of the Town and Village Justice Courts in Dutchess County have only one or two “DA” calendars¹² during a typical month. As a result many arraignments are conducted where neither a representative of the District Attorney’s office nor a defense attorney is present. Modern Courts’ monitors were able to observe DA calendars, but were not able to observe arraignments which took place when only the defendant, arresting police officer and judge were present, because such proceedings do not take occur at regularly scheduled times.

Observations Regarding Arraignments¹³

During the monitoring project, monitors observed a total of 36 court sessions that included arraignments in the 25 Town and Village Justice Courts observed in Dutchess County.

- While the judge read the charges to each defendant arraigned in the vast majority (23 of 25) of the Justice Courts observed, monitors reported that the charges sometimes were not read to each individual defendant during arraignment by one of the judges in the Amenia Town Justice Court, and both¹⁴ of the judges in Red Hook Town Justice Court.
- In 21 of the 25 Justice Courts observed, the judge “informed each defendant of his plea options (not guilty or guilty).” But the monitors did not observe each defendant being told his or her plea options during arraignment by one of the judges in both the

¹² A “DA” calendar is a court session during which a Dutchess County Assistant District Attorney (ADA) and Public Defender are scheduled to appear in that court to prosecute or provide a defense in criminal cases.

¹³ Modern Courts conducted this court monitoring program to provide a general sense of the operations of the Town and Village Justice Courts in Dutchess County and to provide recommendations on how to improve the system. It was not our intent to evaluate or publicly criticize judges. However, Modern Courts will communicate its observations to the judge observed and to the Supervising Judge for the Justice Courts in the judicial district where the court is located.

¹⁴ One of the judges observed in the Red Hook Town Court is no longer on the bench.

Amenia and Dover Town Justice Courts, both judges in Red Hook Town Justice Court, and the judge in the Tivoli Village Justice Court.

Monitors reported that many of the judges took their arraignment responsibilities seriously and afforded the defendants their constitutional rights. For example:

- Judge John C. Garito, Beekman Town Court, “explained rights to and took time with each defendant” and “did not rush anyone, listened to everyone, explained charges, and took an interest in the all the cases.”
- Judge Raymond Chase, Wappingers Falls Village, “never failed to take time to explain charges and rights.” Judge John Kane, Jr., Rhinebeck Town Court, “makes sure all defendants understand their rights.”
- Judge Frank Weber, Stanford Town Court, “was very patient with lawyers and defendants. He was meticulous in his explanations.”
- “Prior to calling [individual] defendants to the bench, the judge (Judge Francis G. Christensen, Milan Town Court) explained all the proceedings that were going to happen.”
- Judge Paul Banner, Poughkeepsie Town Court, “was very good at explaining how the court works to all new defendants.”
- “This is a small court with a great judge (Judge John Kane, Jr., Rhinebeck Village Court). He took his time, never rushed anyone and explained rights to the defendants very well.”
- “He (Judge Frank Weber, Stanford Town Court) was very patient with lawyers and defendants. He was meticulous in his explanations.”

Unfortunately, there were some courts¹⁵ where the constitutional rights of the defendants were not adequately protected by the presiding judge. For example:

- In one court, the monitor reported that “the judge only spoke a few times. The ADA and public defender ran the whole court. ... the public defender, explains charges, arraignments, etc. The judge just sat saying nothing. He looked like a man that didn’t know what was going on,” and the judge “... didn’t really do anything but sit there.

¹⁵ As noted earlier in this report, it was not our intent to evaluate or publicly criticize judges. However, Modern Courts will communicate its observations to the judge observed and to the Supervising Judge for the Justice Courts in the judicial district where the court is located.

The public defender and ADA really handled everything, and then the judge okayed it. The judge is not a lawyer.”

- In another court, the monitor reported that “I never once heard anyone read their rights.” This monitor was provided a handout given to litigants prior to the proceedings that informed the litigants of their rights. The litigants were not asked if they understood this document.
- And in another court, the monitor reported that “The reading of rights was not a priority.”

While it is to be expected that Town and Village judges would read the charges to each defendant and inform each defendant of his or her plea options during the DA calendars, when Assistant District Attorneys and both public defenders and private defense attorneys are present, it is unclear whether this practice occurs during the many unscheduled arraignments that take place, when only the defendant, arresting officer and judge are present.

Recommendations

Informing Defendants of their Rights

In those courts where monitors did not observe charges being read to each criminal defendants, and where judges were not observed informing defendants of the available plea options (not guilty or guilty), judges must take care to read the charges to all defendants and inform all defendants of the available plea options.

Recording¹⁶ Unscheduled Arraignments

Given that many arraignments of defendants take place at unscheduled times and days when neither Assistant District Attorneys nor public defenders or private defense attorneys are present, Modern Courts recommends that judges of Town and Village Justice Courts be provided with inexpensive tape recorders so that these arraignments can be recorded and reviewed. Such a

¹⁶ Although Town and Village Justice Courts are not “courts of record” and are not required to record their proceedings, recording arraignments when no attorneys are present is wise public policy. It should be noted that the Unified Court System has begun to provide electronic recording devices to the largest Town and Village Justice Courts.

practice would ensure that the constitutional rights of every defendant are protected and shield judges from unsubstantiated accusations of impropriety.

Interpreters

In order for a defendant to understand the charges which are being brought against him or her it is necessary for the defendant to possess sufficient knowledge of the English language to understand the meaning of those charges. In 13¹⁷ of the 25 justice courts observed, the judge offered the services of an interpreter **if** the defendant appeared not to understand English, or was hearing impaired. The Town and Village Justice Court judges observed seemed aware of this and acted accordingly. For example:

- One defendant seemed to need an interpreter and a public defender, so Judge Ferris adjourned the case and gave defendant a copy in Spanish [of] how to get a public defender and scheduled an interpreter for [the next] session. (Beekman Town)
- The interpreter was ready and waiting for those cases she knew about and stayed for cases that were new. (East Fishkill Town)
- Two defendants needed an interpreter. It was discovered that one defendant spoke Portuguese not Spanish and he (Judge John Kane Jr.) was so apologetic to the defendant. This is a very efficient court. (Rhinebeck Town)

¹⁷ Amenia Town, Beekman Town, Dover Town , East Fishkill Town , Fishkill Town, LaGrange Town, Millbrook Village, Pleasant Valley Town, Poughkeepsie Town, Rhinebeck Town, Union Vale Town, Wappinger Town, Wappingers Falls Village, and Washington Town.

Appointment of Attorneys for Indigent Defendants

It has long been held that a defendant has the constitutional right to be represented by counsel under the US Constitution.¹⁸ In New York State, the right is recognized under its own Constitution¹⁹, and by statute.²⁰ Locally, Section 200.26 of the Uniform Rules for Trial Courts requires Town and Village Justice Courts to make an initial determination of eligibility for assigned counsel at arraignment when a defendant is being held without bail or is unable to post bail. If the court determines that the defendant is eligible for counsel, it must immediately assign counsel and notify counsel and the local pretrial services agency of the assignment.²¹ Defendants are not obligated to make any request for their own representation; the judges are expected to recognize and determine when the rule applies²².

In Dutchess County, the Office of the Public Defender represents most indigent defendants.

Monitors observed the following regarding the appointment of assigned counsel:

- In **all 25 justice courts** observed, the judges “informed each defendant of their right to an attorney if charged with a criminal offense.” In Rhinebeck Town Justice Court, one monitor reported, “One defendant didn’t want a lawyer and all three (the judge, ADA, public defender) talked to him [about his right to an attorney] and he finally agreed.”
- In **all 25 justice courts** observed, the judges “adjourned cases so defendants could get a lawyer.” For example, in the Millbrook Village Justice Court, one monitor reported that “A defendant was brought in from county jail where he had been held for 2 days

¹⁸ Gideon v Wainwright, 372 US 335; Coleman v Alabama, 399 US 1; Powell v Alabama, 287 US 45.

¹⁹ NY Const. Art I, § 6.

²⁰ CPL § 170.10, 180.10, 210.15 (McKinney 2007).

²¹ Spangenberg Report, p.113.

²² 22 NYCRR § 200.26.

on \$100 bail which was set at arraignment by another town justice. The case was adjourned to get a public defender [for the defendant].”

- In **7²³ of the 24 justice courts** observed, the judge “appointed an attorney to [a] defendant at the arraignment.” For example, monitors observed that in Fishkill Town Justice Court, Judge Francois Cross “made referrals to public defender, to mental hygiene, and to DMV.” In Hyde Park Town Justice Court, Judge John Kennedy “was very adamant about some defendants getting lawyers or a Public Defender.” However, in one Town Justice Court, the judge “refused to appoint a lawyer to represent a defendant when the defendant asked.”
- In **3 of the 25 Justice Courts** observed, the judge “used a questionnaire to determine eligibility for defendants for an assigned attorney. This practice used by the judges in the Pleasant Valley, Poughkeepsie, and Washington Town Justice Courts.
- In **13²⁴ of the 25 Justice Courts** observed, the judge “provided information about legal services to indigent defendants.” For example, a monitor observed that in Rhinebeck Town Justice Court, “Judge Kane spent a lot of time making sure each defendant knew how to get counsel.”

Recommendation

Legal Services Information

Monitors reported that judges in 48% of the courts observed did not provide defendants with information about obtaining legal services. Every judge should provide each indigent criminal defendant with information about legal services. Written information about the

²³ East Fishkill Town, Fishkill Village, Hyde Park Town, LaGrange Town, Poughkeepsie Town, Wappingers Falls Village, and Washington Town Justice Courts.

²⁴ Amenia Town, East Fishkill Town, Fishkill Town, Fishkill Village, Hyde Park Town, Millbrook Village, Pawling Town, Pleasant Valley Town, Poughkeepsie, Town, Rhinebeck Town, Rhinebeck Village, Wappinger Town, and Washington Town Justice Courts.

availability of legal services for indigent defendants should also be available particularly in cases in which a public defender might not be available in court during that session.

Juvenile Defendants in the Town and Village Courts

In New York State, young people aged 16 and older accused of criminal acts are charged as adults and appear as defendants in the Town and Village Justice Courts. Younger teens who have committed serious crimes also may have their cases heard in the Justice Court rather than in the Family Court. Certain youths between the ages of 14 and 19, may be treated as a youthful offender in the local Justice Courts, which generally results in their juvenile record being sealed and a reduction in the maximum sentence that maybe imposed. Other juvenile defendants may not be afforded this status, and if convicted will not have their records sealed, which would have significant repercussions for their futures, including barring them from future employment, student loans, and even public housing.

The monitors observed many defendants under the age of 18 in the Town and Village Justice Courts.²⁵ It was not possible to ascertain if all of these defendants were treated as youthful offenders, as defined by state law, by the court. However, monitors did observe whether these young defendants were accompanied by a legal guardian and whether they had legal representation in the often busy local Town and Village Justice Courts with their diverse caseloads. The monitors' observations are as follows:

- In more than half (37 of the 64) of the court sessions which were observed, there were cases involving defendants under the age of 18.

²⁵ Generally, during their observations, the monitors had access to each court's calendar which listed a date of birth which is typically how the monitors identified that a defendant was under the age of 18. In some cases, the judge or the lawyers made reference to the fact that the defendant was under the age of 18 as well.

- In the majority (29 of the 37) of the court sessions involving defendants under the age of 18, all of the defendants were accompanied by a legal guardian. In the remaining 8 court sessions, some of the defendants were accompanied by a legal guardian (in 3 court sessions) and some were not (in 5 court sessions).
- In a significant number (11 of the 37) of the court sessions, **none** of the defendants under the age of 18 had legal representation present during their cases; in 3 of the 37 court sessions, some of the defendants under the age of 18 had legal representation present. The monitors did not report about the presence of legal representation in 2 of the court sessions in which defendants under the age of 18 were observed.

Monitors observed that many of the judges appeared to safeguard the privacy of the juveniles by hearing the case in chambers. For example:

- The judge, ADA, public defender, parent and defendant retired to a private conference. The case was [eventually] rescheduled. (Millbrook Village)
- The justice was very good about youthful offenders having private hearings. (Hyde Park Town)
- The judge and lawyers left the courtroom for this case. (Pleasant Valley Town)
- The judge requested that the defendants and his parents go to his chambers. (Poughkeepsie Town)

Monitors also observed judges explaining the proceedings to juveniles and, in some cases, to their parents. For example:

- When the judge increased the hours of community service that was recommended by the ADA for a teenager charged with criminal trespass, [he] explained days and hours of the community service at the town recycling center. (Beekman Town)
- The judge advised defendant that he must be accompanied by a parent, or a lawyer [who had] written parental consent [to represent the youth].(Fishkill Town)

- The defendant was advised that he must have a parent or legal guardian, or have the parent or legal guardian sign that he may represent himself, or have counsel. (Pleasant Valley Town)
- The justice was very good at explaining options especially to the student applying for college aid. (Poughkeepsie Town)
- He [the judge] was very good at telling the mother about getting advice from a lawyer and explaining everything to her. (Union Vale Town)
- The justice was very careful to make sure that the defendants understood what was happening. He gave the mother all the time that she needed to talk and ask questions. (Wappingers Fall Village)
- The judge complimented the young man... [who had] finished his community service and his father and explained to them about getting his fingerprints cleared. (Washington Town)

Recommendation

Monitors overwhelming reported that local Town and Village judges appeared to try to safeguard the privacy of young defendants, and explained court procedures to them, and in some cases, to their parents. However, Modern Courts recommends that a fact sheet or other resource which provides information for youths about services and programs available to them, the sealing of juvenile records, and the future consequences resulting from a criminal conviction be made available to young defendants. This is especially important considering that these young defendants' cases are being heard in busy courts which handle an array of cases, unlike the Family Court where the proceedings are focused on the children.

Domestic Violence Cases

Domestic Violence (DV) cases present themselves through a variety of different criminal charges in the Town and Village Justice Courts including harassment, assault, and stalking. Often charges such as burglary, obstruction of justice, and endangering the welfare of a child may involve domestic violence. Many charges result in the issuance of an “order of protection” (OP), which is a legal document issued by a judge ordering someone to follow specific conditions of behavior. Initially these orders may be temporary, until all the facts have been gathered and the case is heard in Town or Village Justice Court on a later date. There may be modifications throughout the duration of a case. After a case has been heard and it has been decided that a crime has been committed a final order may be issued.

The monitors observed 51 cases involving domestic violence during this monitoring project.

An order for protection (OP) was issued in 39 of the 51 DV Cases observed. In the majority (31) of those cases (39) where an OP was issued, the monitor observed that the judge “adequately explained the charges to each defendant,” and in 24 of those cases the judge “explain[ed] the consequences for violation of an order for protection.”

In addition, in 20 of the 39 cases in which an OP was issued, the monitor observed that the judge “ask[ed] each party if they understood the terms of the order for protection.” For example, monitors observed that in the East Fishkill Town Court, “All (domestic violence cases) were handled well by the justice. He took time and explained orders of protection very clearly to everyone involved. He made it very clear what would happen if they were violated.” And in the Red Hook Town Court, “The justice (Judge Roland Page) was very clear in explaining the order

of protection,” and in the Rhinebeck Town Court, “He (Judge John Kane Jr.) was so very clear about the terms of the order of protection.”

It is of concern that in 8 of the cases where an OP was issued monitors did not observe the judge “adequately explained the charges to each defendant,” and in 15 of those cases, the judge did not “explain[ed] the consequences for violation of an order for protection.” Further, in 19 cases in which an OP was issued, the monitor did not observe if the judge “ask[ed] each party if they understood the terms of the order for protection.” Such explanations are critical to ensure that orders of protection are followed.

It should be noted that in 3 of the 39 cases in which an OP was issued, the judge asked the defendant whether he or she owned any firearms. This seems like an appropriate inquiry and one that would better facilitate providing protection to the victim who secures an order of protection.

In addition to the above findings, the monitors observed the following:

- An existing order of protection was modified in 3 of the 51 DV cases observed
- In 1 of 51 DV cases observed a defendant was sanctioned for violation of an order of protection
- An adjournment occurred in 2 of the 51 DV cases observed (one case was adjourned because the defendant did not appear; the other was adjourned awaiting a visitation schedule being established in the Family Court)
- 1 defendant in 51 DV cases observed was held in custody without bail
- 2 defendants had bail set in 51 DV cases observed (In both cases, bail was set at \$50,000.)

The monitors made the following additional comments regarding the handling of domestic violence case in the Town and Village Justice Courts:

- All (domestic violence proceedings) were rescheduled to another date. (Poughkeepsie Town)
- This court has no patience for domestic violence. They take it very seriously. (Wappingers Falls Village)
- Judge Shequine was very sensitive to these [domestic violence] cases. One Order of Protection was amended so a family could have Thanksgiving dinner together to the objections of the ADA. The change was asked for by all parties in the family. (Washington Town)

Recommendations

Orders of Protection

In almost 40% (15 of the 39) of the domestic violence cases in which an order of protection was issued, the judge did not explain the consequences for violation of the order for protection. Each judge must ensure that when an order of protection is issued the defendant is fully aware of the consequences for violating the order.

Determining Possession of Firearms in Domestic Violence cases

Monitors observed that the judge asked the defendant whether he or she owned a firearm in only 3 of the 39 domestic violence cases observed. Pursuant to New York State and federal law, a person subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm. In order to assess whether a firearm should be removed from the possession of a defendant who is subject to an order of protection, the judge should determine whether the defendant is in possession of a firearm at the initial appearance or subsequent court dates.

E. Traffic Cases

Monitors observed 1044 cases in the Town and Village Justice Courts that involved alleged violations of the Vehicle and Traffic law. County Law § 700 requires district attorneys to prosecute all offenses including traffic infractions. Under this law, the negotiation of traffic ticket plea bargains is the responsibility of the county's district attorney. However, in many counties, including Dutchess County, the district attorney historically has relied upon state troopers to negotiate traffic ticket plea bargains on behalf of the district attorney. Effective September 1, 2006, the New York State Troopers introduced a policy which prohibited individual troopers from negotiating plea bargains in Justice Courts. Town and Village judges cannot negotiate pleas themselves resulting in many traffic infraction cases being dismissed.

Fines resulting from violation of Vehicle and Traffic laws are a significant source of revenue for the towns and villages and fund the operations of the Town and Village Justice Courts. The monitors observed the imposition of many fines and other fees in the large number of traffic cases observed during this project that demonstrating the importance that some courts placed on fines being paid. For example:

- The judge [Norman Moore] seemed more concerned about fines being paid...He said at least five times – “I want my money.” (Amenia Town)
- When sentences were imposed and the defendant was not able to pay the fine and surcharge, the judge [R.Wren Abrams] adjourned the case for 30 to 60 days. The judge stated that this procedure allowed the Dover court to collect a [higher] number of fines. (Dover Town)
- He [Judge Howard Clark] was very strict about payments of fines. He told defendants that if they missed a payment all charges against them would be brought up again and any reductions would be cancelled. (Tivoli Village)

Monitors also observed the dismissal of many traffic cases in many local courts as a result of the state troopers no longer appearing to negotiate pleas. For example:

- Numerous traffic violations were dismissed because the State Police no longer can plea bargain traffic tickets so they just don't show up then [the traffic tickets] get dismissed by the judge. (LaGrange Town)
- The judge dismissed one speeding ticket as the police officer failed to appear. (Pawling Town)

One monitor reported that the traffic cases were adjourned for a later date if the state trooper did not appear.

- All that got a ticket from the State Police were put off until Stanford decides if they are going to hire a prosecutor [for traffic tickets]. (Stanford Town)

Recommendation

Due to limited resources and staffing, the county DA has historically relied on New York State Troopers to negotiate pleas bargain in traffic cases on behalf of the DA. The recent policy change by the state troopers which prohibits individual troopers from negotiating pleas in the local Justice Courts has led to dismissals of many cases or repeated adjournments of traffic cases. This results in a potential loss of revenue for the town and villages that rely on the fines to operate the Justice Courts and fund other essential operations. In order to reduce the need for repeated trips to the courts by those charged with traffic infractions and the strain that is placed on the local Justice Courts and their resources, each town and village should institute a policy, such as having a town or village attorney, or another local law enforcement officer act on behalf of the district attorney to resolve this issue.

F. Civil Cases

Landlord-Tenant Cases

Relatively few civil cases were observed by Modern Courts' monitors during this project, but monitors did make some observations about landlord-tenant cases.

Landlord-tenant cases are heard in the Town or Village Justice Court where the property is located. The cases most commonly heard in the Town and Village Justice Courts are non-payment cases, in which the landlord claims that the tenant owes rent and seeks to collect overdue rent from a tenant, or holdover cases, where the landlord seeks to evict a tenant for reasons other than non-payment of rent.

Monitors observed only 16²⁶ landlord-tenant cases during this monitoring project. Almost all of the monitor's observations involved adjournments.

- 10 of the landlord-tenant cases observed were adjourned to a later date
- Half (8) of the landlord-tenants cases observed were adjourned to a later date due to the failure to appear by either the landlord or the tenant
- 1 of the landlord-tenant cases was adjourned because the landlord was awaiting needed paperwork. The monitor observed in the Union Vale Town Court that, "There was only 1 housing case and the judge did not receive [in the mail] the papers he needed. He adjourned the case. No tenant showed up as [he or she] have left the state."
- 1 of the landlord-tenant cases was adjourned because the tenant requested time to prepare for a trial. The monitor observed in the Poughkeepsie Town Court that, "In one housing case, the owner was a no show and sent his daughter. She clearly needed

²⁶ These cases were observed in Fishkill Town (6), LaGrange Town (4), Poughkeepsie Town (5) and Union Vale Town (1) courts.

an interpreter. It took a while for Judge Sullivan to sort out the case and it was adjourned.”

IV. SUMMARY OF RECOMMENDATIONS

Court Facilities

Better Maintenance or Upgrading of Court Facilities

Monitors reported that court facilities in Amenia Town and Millbrook Village were not well-maintained. The Town and Village should assess the conditions of their court facilities and make the necessary repairs if possible. If not, they should consider relocating, or building a new facility that provides a well-maintained and accessible facility that allows these courts to perform their essential functions efficiently with a safe environment for the litigants and those who work in these courts.

Allocating Attorney/Client Conferencing Space²⁷

Monitors observed that 80% of the court facilities observed did not have space allocated in the courthouse for attorney-client conferencing in private. In some cases, this deficiency led to noisy courtrooms because attorneys were forced to meet with their clients in the courtroom during the proceedings. In addition, such circumstances present the potential for a breach of attorney-client confidentiality, because information has to be exchanged between attorneys and their clients in a public courtroom. Each court should allocate space within its facilities for attorney-client conferencing both to maintain order in the courtroom and to provide for attorney-client confidentiality.

Ensuring Accessibility of Court Facilities²⁸

Monitors reported that 20% (5 of 25) of courts facilities observed appeared inaccessible for those with disabilities. Modern Courts urges that Fishkill Village, Millbrook Village, Pine Plains Town, Tivoli Village, and Wappingers Falls Village take steps to provide reasonable

²⁷ In some courts, space was allocated in another town or village building, or the judge's chambers were used.

²⁸ It should be noted that Chief Judge Judith S. Kaye's Action Plan for the Justice Courts recommends the development of a survey and assessment form for Justice Courts in order to identify barriers that limit full participation in those facilities.

accommodations and assistance to those who need them and are entitled to them under the Americans with Disabilities Act.

Providing Adequate Security

Monitors reported that the vast majority (88%, or 22 of the 25) of court facilities observed did not have a magnetometer at the entrance of the court. Given the large volume of criminal cases heard by Dutchess County Town and Village Justice Courts, including felony arraignments, those 22 towns and villages without magnetometers or other entrance screening devices should act quickly to acquire such security devices. It should be noted that Chief Judge Judith S. Kaye's Action Plan for the Justice Courts has provided aid to localities for the acquisition of these security devices.

Larger Courtrooms

Monitors observed that 5 courtrooms were inadequate in size or seating for the proceedings being held in them. Larger courtrooms and/or nearby easily accessible waiting areas are needed for the Amenia Town, Beekman Town, East Fishkill Town, Millbrook Village, and Pleasant Valley Town Justice Courts in order to reduce noise in these courtrooms related to overcrowded conditions and to ensure that litigants and those in the courtroom can hear the calendar call and other announcements from court personnel.

Providing Multi-Lingual Signage

None of the 25 Town and Village Courts observed had multi-lingual signs although they reported that in many of the courts observed that either an interpreter was used or needed by litigants, who did not speak or had difficulty understanding English. Multi-lingual signage, particularly in the foreign language or languages that frequently require interpreters should be placed in those courts.

Better Lighting of Parking Areas

Monitors reported that the lighting in the parking lot was inadequate that in 6 of the 25 court facilities observed. These courts commonly hold court sessions in the evening and in the

some cases the night, which means litigants and other visitors to the courts often must leave the court in darkly lit or unlit conditions. The lighting of these court facilities' parking lots should be improved to better safeguard the litigants, staff, and visitors to these courts.

Court Operations

Maintenance of Order in the Courtroom

Monitors reported that several courts observed (LaGrange, Pleasant Valley, and Wappinger Town Justice Courts) were noisy and disorderly during multiple observations. In some instances, the noise was attributed to the inadequacy of the size or location of the court facilities. But in others, monitors observed that the judges and court personnel did not ask for quiet or otherwise attempt to reduce the noise level in the courtroom. Local officials should address facilities issues such as courtrooms that are too small or without waiting areas which contribute to the noise and disorderliness in these courts. In addition, judges and court personnel should inform those in the courtroom prior to the beginning of court proceedings, and periodically during the court session that attendees should remain silent during the proceedings.

Assessment of Caseloads of Smaller Village and Town Courts

Given the extremely small caseloads of the Millbrook Village Justice Court (5 cases) and the Rhinebeck Village Justice Court (7 cases) observed by the monitors, both villages should assess the number of cases heard by these courts and should either consider joining with the Town Justice Courts that cover the same geographic jurisdiction, or dissolving their Justice Courts if these Village Courts consistently hear small caseloads. The small caseload, observed by the monitors, of the Union Vale Town Justice Court (5 cases) and Pine Plains Town Justice Court (7 cases) suggests that these towns should consider conducting a similar assessment and possible consolidation of their courts with an adjacent town court.

Criminal Cases

Informing Defendants of their Rights

In those courts where monitors did not observe charges being read to each criminal defendants, and where judges were not observed informing defendants of the available plea options (not guilty or guilty), judges must take care to read the charges to all defendants and inform all defendants of the available plea options.

Recording Unscheduled Arraignments

Given that many arraignments of defendants take place at unscheduled times and days when neither Assistant District Attorneys nor public defenders or private defense attorneys are present, Modern Courts recommends that judges of Town and Village Justice Courts be provided with inexpensive tape recorders so that these arraignments can be recorded and reviewed. Such a practice would ensure that the constitutional rights of every defendant are protected and shield judges from unsubstantiated accusations of impropriety.

Legal Services Information

Monitors reported that judges in 48% of the courts observed did not provide defendants with information about obtaining legal services. Every judge should provide each indigent criminal defendant with information about legal services. Written information about the availability of legal services for indigent defendants should also be available particularly in cases in which a public defender might not be available in court during that session.

Providing Information to Juvenile Defendants

Monitors overwhelmingly reported that local Town and Village judges appeared to try to safeguard the privacy of young defendants, and explained court procedures to them, and in some cases, to their parents. However, Modern Courts recommends that a fact sheet or other resource which provides information for youths about services and programs available to them, the sealing of juvenile records, and the future consequences resulting from a criminal conviction be made available to young defendants. This is especially important considering that these young defendants' cases are being heard in busy courts which handle an array of cases, unlike the Family Court where the proceedings are focused on the children.

Orders of Protection in Domestic Violence cases

In almost 40% (15 of the 39) of the domestic violence cases in which an order of protection was issued, the judge did not explain the consequences for violation of the order for protection. Each judge must ensure that when an order of protection is issued the defendant is fully aware of the consequences for violating the order.

Determining Possession of Firearms in Domestic Violence cases

Monitors observed that the judge asked the defendant whether he or she owned a firearm in only 3 of the 39 domestic violence cases observed. Pursuant to New York State and federal law, a person subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm. In order to assess whether a firearm should be removed from the possession of a defendant who is subject to an order of protection, the judge should determine whether the defendant is in possession of a firearm at the initial appearance or subsequent court dates.

Traffic Cases

Establishing a Policy to Address the State Trooper Policy Change

Due to limited resources and staffing, the county DA has historically relied on New York State Troopers to negotiate pleas bargain in traffic cases on behalf of the DA. The recent policy change by the state troopers which prohibits individual troopers from negotiating pleas in the local Justice Courts has led to dismissals of many cases or repeated adjournments of traffic cases. This results in a potential loss of revenue for the town and villages that rely on the fines to operate the Justice Courts and fund other essential operations. In order to reduce the need for repeated trips to the courts by those charged with traffic infractions and the strain that is placed on the local Justice Courts and their resources, each town and village should institute a policy, such as having a town or village attorney, or another local law enforcement officer act on behalf of the district attorney to resolve this issue.

Appendix I
Monitoring Form



**Town and Village Justice Court
Monitoring Form**

Fall 2007

Monitors Name: _____

Court Visited: _____

Judge Observed: _____

Date: _____

Criminal Cases

(Please check all boxes that apply and fill in information as asked)

Present in the Courtroom

- | | |
|---|--|
| <input type="checkbox"/> Assistant public defender/s | <input type="checkbox"/> Court Officer |
| <input type="checkbox"/> Other defense attorney/s | <input type="checkbox"/> Court Clerk |
| <input type="checkbox"/> Assistant district attorney/s | <input type="checkbox"/> Other |
| <input type="checkbox"/> Private attorneys (retained by the defendants) | |

Please note the number of cases in which the defendant did not have an attorney present: _____

Start of the Proceedings

- Sign-In Sheet for Parties No Sign-In Sheet

The judge:

- appeared to call the parties according to the order in which they signed in
- gave preference to any parties or attorneys

Eligibility and Appointment of Court Appointed Attorneys

The judge:

- informed each defendant of their right to an attorney if charged with a criminal offense
- informed each defendant that an attorney will be appointed if the defendant could not afford one
- used a questionnaire to determine eligibility for defendants for an assigned attorney
- appointed attorney to each defendant at the arraignment
- refused to appoint a lawyer to represent a defendant when the defendant asked
- provided an explanation to defendants who are ineligible for a court appointed attorney
- provided information about legal services to indigent defendants
- adjourned cases so defendants could get a lawyer

Arraignment - Explanation of Charges/Pleas

The judge:

- offered the services of an interpreter if the defendant appeared not to understand English or was hearing impaired
- read the charges to each defendant
- asked each defendant if he or she understood the charges
- answered each defendant's questions regarding the charges
- informed each defendant of his plea options (not guilty or guilty)
- gave each defendant or his or her attorney a chance to be heard before setting bail
- encouraged any defendant to plead guilty by informing him or her of the possibility of a high bail amount or by other means

If the judge encouraged a guilty plea, please explain:

Criminal Cases (continued)

(Please check all boxes that apply and fill in information as asked)

Bail or Other Release from Custody (applies in cases where defendant pleads not guilty)

The Judge:	Case 1	Case 2	Case 3	Case 4	Case 5
released the defendant without setting bail					
refused to set bail and held the defendant in custody					
Set bail for defendants					

In cases where bail was set, please list the charge and the amount of bail set:

Case/Defendant #1 Charge: _____ Bail Amount: \$ _____

Case/Defendant #2 Charge: _____ Bail Amount: \$ _____

Case/Defendant #3 Charge: _____ Bail Amount: \$ _____

Case/Defendant #4 Charge: _____ Bail Amount: \$ _____

Case/Defendant #5 Charge: _____ Bail Amount: \$ _____

Sentencing

Prior to the sentencing:

- the defense attorney made a recommendation on the length of the sentence
- the ADA made a recommendation on the length of sentencing
- the judge gave the defendant or his or her attorney a chance to be heard

In cases where a sentence was imposed, please list the charge and the length of the sentence:

Case #1 Charge: _____ Sentence: _____

Case #2 Charge: _____ Sentence: _____

Case #3 Charge: _____ Sentence: _____

Case #4 Charge: _____ Sentence: _____

Case #5 Charge: _____ Sentence: _____

Criminal Cases (continued)

Bail or Other Release from Custody (applies in cases where defendant pleads not guilty)

The Judge:	Case 6	Case 7	Case 8	Case 9	Case 10
released the defendant without setting bail					
refused to set bail and held the defendant in custody					
Set bail for defendants					

In cases where bail was set, please list the charge and the amount of bail set:

Case/Defendant #6 Charge: _____ Bail Amount: \$ _____

Case/Defendant #7 Charge: _____ Bail Amount: \$ _____

Case/Defendant #8 Charge: _____ Bail Amount: \$ _____

Case/Defendant #9 Charge: _____ Bail Amount: \$ _____

Case/Defendant #10 Charge: _____ Bail Amount: \$ _____

Sentencing

Prior to the sentencing:

- the defense attorney made a recommendation on the length of the sentence
- the ADA made a recommendation on the length of sentencing
- the judge gave the defendant or his or her attorney a chance to be heard

In cases where a sentenced was imposed, please list the charge and the length of the sentence:

Case #6 Charge: _____ Sentence: _____

Case #7 Charge: _____ Sentence: _____

Case #8 Charge: _____ Sentence: _____

Case #9 Charge: _____ Sentence: _____

Case #10 Charge: _____ Sentence: _____

Youthful Offenders

Did you observe any defendants who were under the age of 18? Yes No

Were these youthful defendants accompanied by a legal guardian? Yes No

Did these defendants have legal representation? Yes No

Additional observations on youthful offenders:

Domestic Violence Cases (DV)

Arraignments

- Assistant public defender
- Other defense attorneys
- Assistant district attorney (ADA)
- Private attorneys (retained by the defendants)
- Court Officer
- Court Clerk
- Victim's Advocate
- Other _____

The judge:

- adequately explained the charges to each defendant
- answered defendant's questions regarding the charges
- appeared evenhanded in his or her handling of the parties in the case
- offered the services of an interpreter if the defendant or alleged victim appeared not to understand English

Bail/ Pleas

In how many cases, did the judge:

- Release defendants without setting bail? _____
 - conditions for releases
 - unconditional releases
- Refuse to set bail and held defendants in custody? _____
- Set bail for defendants? _____

Prior to setting bail:

- the judge gave the defendant a chance to be heard
 - the defense attorney made a recommendation on the amount of bail
What amount did the defense attorney recommend? _____
 - the ADA made a recommendation on the amount of bail
What amount did the ADA recommend? _____
- What was the amount of bail set? _____

Order for Protection

Issuance of Order and Sanctions

Did the judge:

- issue an order for protection in each DV case
- issue an order requiring the removal of firearms from the defendant following the issuing of an order for protection
- impose a sanction if an order for protection was violated

Explanation of Orders

Did the judge:

- provide a reason for not issuing an order for protection (if an order of protection was not issued)
- clearly explain to each defendant the contents of the order for protection
- ask each party if they understood the terms of the order for protection
- explain the consequences for violation of the order for protection
- allow the defendant and victim to ask him or her questions regarding the order

Support Services:

Did the judge refer the victim(s) to any local support services? _____

Housing Cases

(Please check all boxes that apply and fill in information as asked)

Was the landlord or the tenant represented by an attorney?

Case #1	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
Case #2	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
Case #3	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
Case #4	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
Case #5	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
Case #6	Tenant	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney
	Landlord	<input type="checkbox"/> Attorney	<input type="checkbox"/> No Attorney

Did the judge:

- clearly explain court procedures to litigants
- give each tenant or his/her attorney the opportunity to present his or her case
- give each landlord or his/her attorney the opportunity to present his or her case
- listen to arguments made by litigants not represented by attorneys
- allow litigants not represented by attorneys to ask questions about court procedure
- offered the services of an interpreter if a litigant appeared not to understand English or be hearing impaired

Stipulations/Orders

The judge:

- explained the contents of each stipulation or order
- asked litigants if they understood the terms of each stipulation or order
- informed the parties that they did not have to agree to a stipulation but could go to trial
- explained the consequences of not adhering to a stipulation to litigants
- allowed litigants to ask him or her questions about orders
- answered litigant questions regarding stipulations or orders
- explained the 72-hour notice procedures when issuing order for warrant of eviction

Adjournments

How many of the cases were adjourned? _____

Reasons for the adjournments:

- Request by landlord or landlord's attorney
- Request by tenant or tenant's attorney
- Tenant did not appear
- Landlord did not appear
- Inspection requested
- To obtain assistance for emergency rent

COURT FACILITIES

Was the court located in a building or location dedicated solely for use as a court?	Yes or No
Was there a waiting room for the public?	Yes or No
If so, was the waiting room adequate in size?	Yes or No
Did the courthouse appear accessible for disabled persons?	Yes or No
Was space allocated in the courthouse for private attorney-client conferencing?	Yes or No
Was there a restroom available for use by the public?	Yes or No
Were the court facilities such as waiting areas and hallways clean?	Yes or No
Were the court facilities well-maintained?	Yes or No
Was the restroom clean?	Yes or No

Security

Was there a magnetometer at the entrance to the court?	Yes or No
Was there sufficient/secure distance in the courtroom between the parties?	Yes or No

Signage

Was there a sign outside of the court?	Yes or No
Was there a sign or directory directing the public to the courtroom?	Yes or No
Were the signs legible and easy to understand?	Yes or No
Was the information provided by the signs accurate?	Yes or No
Were the signs in multi-lingual and/or in Braille?	Yes or No

Courtroom

Was adequate in size for the proceedings?	Yes or No
Did the courtroom have sufficient number of seats?	Yes or No
Was the courtroom well-maintained?	Yes or No
Was the courtroom clean?	Yes or No
Was there adequate lighting in the courtroom?	Yes or No

Parking

Was there public parking available at the court?	Yes or No
Were there a sufficient number of parking spaces?	Yes or No
Was there a fee for parking?	Yes or No

Technology

Were the proceedings being recorded?	Yes or No
Was there a computer in the courtroom that could be accessed by court personnel?	Yes or No
Did the court have the capacity to accept credit card payments for fines and fees?	Yes or No

Please make any additional comments regarding any aspect of the court facilities including any improvements to the facility that could be made (e.g. addition of a waiting areas, repairs, better maintenance or cleanliness, more lighting, better signage additional private space for attorney/client conferencing.)

General Observations Regarding the Court's Operations

Total Cases Observed (By Type of Case):

Criminal (including DUI) _____
Domestic Violence _____
Housing (Landlord/Tenant) _____
Civil Cases _____
Traffic _____

Please comment on any issues or concerns related to criminal proceedings such that you observed today.

Please comment on any issues or concerns related to domestic violence proceedings that you observed today.

Please comment on any issues or concerns related to housing proceedings that you observed today.

Please comment on any issues or concerns related to other proceedings (traffic, civil, ordinance violations) that you observed today.

Based on your observations today, what was your general impression of the court's operations including the justice (for example, demeanor, professionalism, efficiency, control of the courtroom) and other court personnel?

Appendix II

Listing of Court Observations

Court Observed	Total Observations
Amenia Town	4
Beekman Town	2
Clinton Town	3
Dover Town	1
East Fishkill Town	1
Fishkill Town	5
Fishkill Village	2
Hyde Park Town	2
Lagrange Town	3
Milan Town	2
Millbrook Village	4
North East Town	1
Pawling Town	2
Pawling Village	0
Pine Plains Town	2
Pleasant Valley Town	3
Poughkeepsie Town	5
Red Hook Town	2
Red Hook Village	0
Rhinebeck Town	2
Rhinebeck Village	2
Stanford Town	1
Tivoli Village	2
Union Vale Town	2
Wappinger Town	3
Wappingers Falls Village	5
Washington Town	3
TOTAL	64

Appendix III

Additional

Court Facilities Observations

Court Facilities Observations

Amenia Town

- The building is very old and needs many repairs and new fixtures. It is very crowded. It was as clean as it probably could be but the stains are bad on the fixtures and walls. They desperately need a new and larger facility.
- The courtroom was crowded, messy, and noisy. Attorney/client conferencing had to be done outside. People were constantly coming in and out from the courtroom. Amenia needs new facilities.
- There is no holding area for prisoners.

Beekman Town

- The courtroom was small. If case[loads] increase, it would be difficult to fit everyone into the courtroom.
- [There is] a large town building parking lot but the no space markings.
- The private [conferencing] space is the hallway.
- The courtroom chairs are metal folding chairs. These seats should be replaced with plastic/vinyl interlocking chairs that cannot be used as weapons.
- There is no court officer present during civil cases.

Clinton Town

- This court has a separate entrance [from] the town hall.
- Wonderful courtroom. More exterior lighting is required.
- There was a room in the facility for conferencing if a meeting wasn't being held there.
- The [disabled] ramp wasn't well lit and neither was the parking lot.

Dover Town

- Dover Court was in the lower level of the town hall and there was plenty of space for conferences but it was not just space for the court. It looked like to me to maybe be an area where the town board would meet.
- Outside lighting needs to be addressed for the parking lot. None was available.

East Fishkill

- It was very noisy in the courtroom. The doors to the hallway were open with overflowing litigants in the hallway. No effort was made to lessen the noise level among lawyers or those waiting for their turn.

Fishkill Town

- These court facilities were especially clean, bright, with plenty of space in and out of the courtroom.
- The building was built in 1989 so the carpeting could be replaced and some paint in the courtroom would be good.
- I was seated up front but still found it very difficult to hear. There was a microphone but I don't think it was on.
- [Fishkill Town] is a newer facility. Sound system was not operational but was needed.

Fishkill Village

- This is a very old building [with] multiple uses. The courtroom looks to be a room for the village board meetings. The place tends to look a little dingy due to its age and multiple uses.
- The parking is [this court facilities] best kept secret – it took me 15 minutes to go the correct way into it.
- There are limited parking spots behind the village hall but no signs to this lot.

Hyde Park Town

- This court really needs to be relocated. The bond vote to build a new one was defeated by 282 votes.
- The building is clean to start with but with large numbers people moving through all morning it gets dirty. Hyde Park does what it can but the building is old and needs many renovations.

LaGrange Town

- The swinging doors separating the bench from the courtroom were very noisy and very distracting. Sometimes, the court officer stopped the [doors from] swinging to eliminate the noise.
- This court needs attorney/client conferencing space.
- The gate to the area in front of the judge's bench should be removed. It bangs nosily. The main door to the courtroom is also noisy and distracting.

Milan Town

- This is an excellent building. The Town of Milan should be very proud of the complete facility. There [are] signs informing people of many aspects [of the court's operations], such as NY State surcharges, noise, [and] pamphlet from DMV on classes for point reduction, was very nice.
- There was a conference room right outside courtroom.
- Excellent facility. Court clerks just returned from a seminar where they were given laptops to be used in the courtroom.

Millbrook Village

- The space was totally inadequate. No security, poor access to the second floor, no apparent elevator, and no signs or direction. This court desperately needs other accommodations.
- The room for the court is also the offices for both the judges and a storage area. The sign says 30 [is] the occupancy limit and I counted 41 people at one time.
- You have to go upstairs for court and a basketball game was going on downstairs which added to the noise. This place is not handicapped accessible and is not clean although one could trip over the mops and buckets by the courtroom door.
- There weren't enough seats in the courtroom. Many were out in the hallway along with a mop and bucket and cleaning supplies.
- DA and attorneys have to use a folding table.
- The judge stood a lot of the time as his bench was too high to see over.
- Proceedings are not recorded, no audio equipment. It is [difficult] to hear even when sitting across from the judge.
- This was not an easy place to find in the dark.
- The court s needs a whole new building especially for securing prisoners.

- There was no lighting in the parking area.

North East Town

- North East did not have a magnetometer and also did not have any court officers.
- They [attorneys and their clients] used the front door area as a meeting place but it sure wasn't a separate room.
- They had a room in the back of the courtroom that Judge Crodelle used as a work area after court was completed to dispense paper work to the defendants. Thus, anyone being sentenced to ...had to wait until court was finished to receive the forms.

Pawling Town

- This facility needs signs.

Pine Plains Town

- The court would have to be moved upstairs for the handicapped. Attorney/client conferencing is now held in the judge's chambers or upstairs.
- There was plenty of room in the courtroom when we were there, but it could become crowded when 40 cases or so are being heard.
- The building is handicap accessible to the first floor only. The court has to move upstairs to accommodate [disabled persons].
- There is no place for overflow to go.

Pleasant Valley Town

- The courtroom was inadequate in size. The defendants could not all be seated and many waited out in the hallways.
- I couldn't find one sign indicating where to find the court room. I just followed the noise.
- There is no holding area for prisoners. Signs and whispers between prisoners and their friends or families were also creating distractions.
- No microphone was used and it was nearly impossible to hear.
- This facility is totally too small to accommodate the traffic [leading to] crowded hallways, poor seating, and security [risks].
- This multi-use room has no sound system and no lawyer or prisoner seating.

Poughkeepsie Town

- There were lights outside the courtroom, but they aren't bright enough.
- Court was [scheduled] to begin at 3:00. However, they didn't start the security screening until 3:05. The cases started at 3:15, but most people in the lobby hadn't been screened yet (including us). They could have been more efficient if there had been 2 officers instead of 1.
- The check-in procedure through security left lines was outside the entry. The weather was good but could be a problem in bad weather. Otherwise, the facility was good.
- There are 4 conferences rooms available. Small tables would be useful in these rooms.
- Making over 100 people wait until the time court [to begin security screening] is ridiculous. One officer to check bags one by one as you go through the magnetometer takes forever.
- They could use signs in Spanish.

Red Hook Town

- The courtroom was adequate for the day I was there but it might not be on a very busy day.
- No secure area for prisoners.
- For private space, the lawyers could use the judge's chambers.
- The bathroom was clean but also a storage area.
- The building is old and could be updated everywhere.

Rhinebeck Town

- Waiting/Conference rooms would be good so the lawyers can talk in private with their clients.
- This was a very large courtroom.
- The lights outside were not bright enough at night.

Rhinebeck Village

- This courtroom is small. It is a very small room but was adequate for that evening's proceeding.
- Lawyer needs a room to talk to clients – they have to go outside now.

Stanford Town

- The courtroom is small but adequate for the day. If there was a big DA caseload, it would be packed.
- No place for the lawyers or police to talk to defendants except the hallway.

Tivoli Village

- The building is extremely old and dark.
- The building needs a complete rehab. A whole new building is my solution!
- The court room is on the second floor, steep stairs, and no elevator. The courtroom was big enough for last night but if there was one more person it would have been too small. If they have a big caseload, it would be spilling into the hall.
- [The court] needs space for attorney/client conferences.
- A microphone would be great.

Union Vale Town

- The court room is one of the nicest I have seen. It is clean and bright. They are going to install a railing and bolt the chairs together as advised by a court system administrator. They are waiting to get the recording started. Great facilities.
- The court is [located] in the rear of the town hall. It had a beautiful and clean courtroom.
- There was no exterior lighting and the parking lot was dark.
- Other town offices were [allocated] as private attorney/client conferencing space.

Wappinger Town

- The parking lot is very dark.
- [There are] flickering lights in the courtroom.
- The building is old and needs a good over all cleaning. It has a dingy look.
- It is very hard to hear over all the noise in the hallway and in the court room.

Wappingers Falls Village

- This is a very old building that needs a lot of work.
- There was a magnetometer but it was not working.
- Courtroom was very small with metal chairs for clients (a few more comfortable ones for lawyers and jurors). Very little ventilation.
- There was no private space for attorney/client.
- The court seemed to be well maintained, but small. It's a very old building.
- Excellent signs posted on the front windows for the court and then other signs inside the courtroom.

Washington Town

- The parking lot could have used more light.
- The building was very hard to finding the dark. Lighting in the parking area was almost non-existent.
- The judge has [no means to] exit except through the courtroom.
- Locking chairs have been ordered [for the courtroom].
- Most of the courtrooms [I have observed] seem to be rooms used for town meeting. This one was clean and clearly a courtroom but it could be bigger.
- Private space [for attorney/client meetings] is located in the other town offices in the same building.

Appendix IV

Additional Observations

on Justice Courts Observed

Additional Observations on Courts Observed

Amenia Town

- The judge [Norman Moore] ...said at least five times – “I want my money.”
- The judge was quite concerned that he collected money [from fines].
- This court seemed very casual – noisy [with] no one in control as one would expect. The door is constantly being banged. The people waiting in the hallway are crowded together as it is very small. Therefore, it is very noisy.

Beekman Town

- The quietest court that I have ever been in. Court officer called cases by sequence number and name and his voice could be heard throughout the court room.
- Judge [Robert] Ferris was concerned about each case and explained all his reasons to each defendant. They were treated as individuals.
- Judge [John] Garito accommodated individuals when setting return dates (students who had final exams, a business owner who pleaded to return after the holidays).
- Judge Garito recommended defensive driving classes to traffic violators.

Clinton Town

- Judge [Barbara] Seelbach handled the first hour of cases and Judge [Russell] Tompkins handled the second hour. The same assistant district attorney and public defender were present for both sessions. The courtroom was run efficiently and professionally under each judge. No time was wasted [while] changing judges.
- The judges and the lawyers all were well-versed on each case and it was a well-run and quiet courtroom.
- Both judges are to be commended for their demeanor and respectfulness in dealing with represented and unrepresented defendants.

Dover Town

- I was shocked that a court such as Dover would have 86 cases.
- When sentences were imposed and the defendant was not able to pay the fine and surcharge, the judge adjourned the case for 30 to 60 days. Judge [R. Wren] Abrams stated that this procedure allowed the Dover court to collect a [higher] number of fines.
- Chairs were set-up on the side of the courtroom and that area was used for the private attorneys to sit. This seemed to work well. Maybe other courts in Dutchess should do the same.
- It was difficult to contact the court during the day. I [the monitor] tried numerous numbers but was never able to talk with anyone.

East Fishkill Town

- His [Judge Michael Tomkovitch] explanations were always very clear on sentences.
- He [Judge Tomkovitch] seemed like a no-nonsense judge and issued bench warrants without hesitation for no-shows.

Fishkill Town

- This court is run very efficiently. All personnel are very professional and helpful. Every litigant was treated respectfully. A very smooth operation.
- Efficient, well–equipped, and organized.
- The judge [Harold Epstein] and court personnel were all professional, efficient and worked well together.
- Judge [Francois R. Cross] conducted cases professionally and expeditiously.
- Clients with an attorney are called first according to the order that the attorney signs in. Others must wait until the attorneys are done. In two cases, the attorneys left before representing their client.
- Many of the traffic charges were dismissed because the officers were not present.

Fishkill Village

- The judge [Michael Martin] seemed like a no nonsense man – no shows had warrants for their arrests.
- The court officer kept the room very quiet.
- Court officers had excellent control of courtroom. Judge [Martin] was easy to hear.

Hyde Park Town

- All cases (72) were heard in a timely fashion.
- Excellent preparation by ADA Alison Labate. Public defender Susan Mugavin handled 5 out of 25 cases in front of Judge [John] Kennedy. 12 of the 47 case in front of Judge [David] Steinberg were handled by the public defender’s office.
- Both Judges Kennedy and Steinberg were very professional and at the same time efficient. Both judges allowed paperwork to be handed by the court clerk thus [allowing] the flow of defendants to continue. Very excellently run court.
- Judge Kennedy made sure a college student had a hearing set for when he is home on vacation.
- He [Judge Kennedy] told the ADA and PD, “Do your work before you get here,” when they were not prepared.
- The ADA was not as well prepared as she should have been and the Public Defender was almost as bad. At the beginning of each case, it was like they were brand new cases to them. They would start talking about them in front of the judge. He [Judge J Kennedy] was clearly annoyed after awhile. They never got the message. He was trying to move the cases along and just kept slowing things down.
- The court officer made no attempt to quiet the lawyers or make them turn off their cell phones.

LaGrange Town

- The 96 cases were handled efficiently in 4 hours time.
- The 77 cases on the calendar were disposed of in less than 2 hours. That is efficient.
- The Spanish interpreter left the courtroom before another defendant needed her services. The public defender and Portuguese interpreter were here but not the defendant.
- The courtroom was too noisy. Judge [Edmund] Caplicki requested silence only twice. Between the banging of the gate, the noisy door, and sometimes noisy courtroom, it was difficult to hear. Troopers and deputies who appeared called defendants from front and rear of the courtroom at the same time as the judge was calling names.

- The courtroom was a three ring circus. There was so much commotion and so much going on at the same time.
- Numerous traffic violations were dismissed because the State Police no longer can plea bargain traffic tickets so they just don't show up then get dismissed by the judge.
- Since it was traffic court and about 25% of the cases were dismissed.

Milan Town

- Along side the sign-in sheet was another sign that said "No shorts." Two defendants were told by the court clerk that they were not allowed in the courtroom. One defendant who , did not have a lawyer, was told to go purchase long pants and return later in the morning which he did because he had come a long distance to appear in the Town of Milan. The other defendant sat in the lobby and was only there to pay a fine and his private attorney asked permission from the judge to allow the defendant into the courtroom to pay the fine. The request was granted by Judge [Francis] Christensen.
- Excellent preparation by ADA and by Public Defender.
- Noise was not an issue at all even without any court officers.

Millbrook Village

- Most cases were adjourned if there was not a plea of guilty.
- This justice operated under extreme [conditions] – no security and limited space. There was no recording of the proceedings and limited support persons ie. clerks and secretarial help.
- Judge [Louis] Prisco kept asking the lawyers and court officers about the charges and the numbers related to them.
- A prisoner was brought in for the third time for no reason. His case is in the County Court and the justice just keeps bring him back. The Public Defender doesn't know why. The prisoner became rowdy and had to be subdued in the very narrow hallway where people were waiting.
- The judges' bench is very high and he [Judge Prisco] has to stand up and lean over to see the lawyers and litigants. The judge was constantly going down to the court clerk to hand her papers. He was like a yo-yo the whole time.

North East Town

- No sign in sheet but private attorneys went first.
- Excellently run court. Both judges (John Crodele and Richard Joannides) were easy to hear and related well with the ADA and public defender.

Pawling Town

- He [Judge Kevin Denton] questioned each person carefully and awarded fines and charges for court proceedings equally.
- The court room was quiet and orderly during proceedings.
- It is a long, dark ride over old RT #55 to new #55 [in order to reach the court].
- Nearly all cases [were] adjourned for another month.

Pine Plains

- The judge [Louis Imperato] and court personnel were all professional and efficient.
- The judge [Imperato] asked for the door to be closed because of the noise of the police department next door.

- The judge [Imperato] and the clerk were struggling with the new digital recorder.
- This ex-cop justice [Imperato] seemed very concerned about the ability of defendants to pay fines and adjusted them as needed.

Pleasant Valley Town

- The judge exercised no control over the noise which prevailed in the hallway and the courtroom doors were wide open.
- I don't think anyone had control of the courtroom. It was a zoo. The justice acted like he wanted to be some place else. This is one of the worse run courts I have ever seen.
- Very difficult to keep orderly flow of cases since defendants were in hallways and else where when called due to a lack of space in the courtroom. Court officers had to seek out defendants who were out of the room. There has to be a better way to bring in prisoners. There is no confidentiality when you are chained together and you are talking to your lawyers.

Poughkeepsie Town

- Most criminal proceedings resulted in rescheduling [to a later date].
- Thought went into the order of the cases, saving the arraignments and more difficult cases to the last.
- Judge [Paul] Banner was efficient and court was orderly.
- 185 cases in 3 ¼ hours obviously the judge had to be efficient. Judge Banner was very professional and in control. This court has a large number of litigants every time so with the exception of taking so long to get in the courtroom they know how to move the cases.
- Today, Judge [Paul] Sullivan had a short caseload (58 cases) but dispensed of it very quickly while not rushing anyone.
- Judge Paul Sullivan gave no preference to a lawyer who had a traffic ticket. She (the attorney) had to wait her turn – All the justices should be like him.
- Plea bargaining by officers during the court proceedings was a little disconcerting and caused some noise.

Red Hook Town

- One prisoner was hoping to talk to the public defender said maybe next time in court the public defender could talk to her a littler longer. She wanted to understand the charges and possible jail time. The PD just said okay.
- One no show came as soon as he got the call (first he called the court) he was going to be arrested. He came from work and she [Judge Kelly Flood-Myers] went on and on about his clothes. He had a folder with all his court papers and said he didn't have anything saying he was supposed to be there. She refused to listen to him and said you are going to jail. Then off to her chambers – Finally she came back and released him – ROR.
- No attempt by court officer to stop all the chatter in the room. The lawyers were all having a gab fest. The justice [Kelly Flood-Myers] ran a very loose court. She chattered and laughed with private attorneys and her clerk.
- Justice [Roland] Page brought the prisoners up as soon as they arrived and get them out of the building. I found he treated everyone fairly and had a lot of patience. One defendant was having trouble understanding her fine so after the first call she talked to her lawyer and finally in the 4th call it was settled and the justice gave her lots of time to talk. He really understood her frustration and just let her talk.

- There was no chatter among the lawyers or general courtroom [while Judge Page presided].

Rhinebeck Town

- This was an extremely professional and efficient court. The judge [John Kane], ADA, and PD worked well together. The ADA and PD also helped some defendants even though they weren't clients.
- Fines didn't seem as excessive as they were some courts.
- With the judge, they (the P.D., Mr. Thomas Angel, and the ADA, Ms. Andrea Long) all work together and sometimes go the extra mile to do what is right for the litigants.
- Rhinebeck Town and Village courts are across the street from each other. So the village goes first and then everyone walks across the street to the next court including the justice.

Rhinebeck Village

- He moves the cases along but listens to everything the defendant and lawyer have to say.
- The judge [John Kane], DA, and Public Defender D all worked well together. They were in this small courtroom for 40 minutes, and then they all went across the street to Rhinebeck's Town Court. One of the cases was brought up again in that court room.

Stanford Town

- The judge [Frank Weber] certainly had control of his court.
- All that got a ticket from the State Police were put off until Stanford decides if they are going to hire a prosecutor.

Tivoli Village

- Most of the litigants were Bard College students.
- He [Judge Howard Clark] was very strict about payments for fines. He told defendants that if they missed a payment all charges against them would be brought up again and any reductions would be cancelled.
- ADA – Margaret Walker – did great job and showed more patience [when] every recommendation [she made was] questioned by the judge.
- Traffic violations were fined without the arresting officer being present.
- This is the first court I have seen where the officer issuing the ticket didn't show and the justice imposed fines instead of dismissing them.
- There was definite control of the court room. You could hear a pin drop. I didn't understand why he had to look up every charge when many times it was the same charge as the previous case.

Union Vale

- A civil case was heard first and the defendant didn't show so the case was decided against him. Within ten minutes the defendant showed up – the papers 'served' to him were sent to the wrong address. He also had called the court to say he was on his way ...and got the answering machine.
- Traffic and civil cases were handled efficiently by Justice [Raymond] Jurina.
- Judge [Paul] Pancio was a very patient man. [One attorney] was antagonistic and argumentative. Judge Pancio controlled the courtroom despite [his] frustration [with

the attorney] who had only had the case for a week [but] objected to every question to and answer by a witness for the prosecuting attorney.

Wappingers Falls Village

- Justice Raymond Case could be stern but with such concern for the defendant. I heard him encourage younger defendants to do better things with their lives.
- This court was run very efficiently. One of the employees also acts as an interpreter. They have court volunteers. All one very polite and helpful to whoever walks in.
- The court staff seemed to work well together, and the case folders seemed to be in the order the defendants arrived.
- The court had three court clerks – one who was bilingual which helped during the proceedings.
- There were 36 defendants [who appeared] and 36 no shows. Several of the no shows were in jail.

Wappinger Town

- 20 of the 65 cases were assigned to 1 public defender. Difficult work load. Some cases, it seemed liked she was meeting the defendants for the first time. This caused her to conduct conferences with clients and family members in the courtroom prior to going to the bench.
- It was very noisy in the court. Doors to the court were not closed and numerous people remained outside the courtroom in the adjacent hall. This included one five year old girl who I could hear from inside the court in the first row. When her family's case was called the child ran around the courtroom. A teenager sat 2 seats away from me in the front row [and] continued to talk to his friend for 1 ½ hours without ever shutting up. He was never asked to stop talking by anyone. Late in the session the judge yelled for quiet in the courtroom but all the court officers just seemed to process folders [and hand the] to the judge and never controlled the noise in the courtroom.
- The courtroom was very noisy as no one tried to quiet all the chatter. Private attorneys should not conduct meetings with clients inside the courtroom such as [one] who discussed an aggravated DWI with the teenager's parents directly behind me.
- This is a very busy court that she [Judge Heather Kitchen] moved things along.
- [During jury selection], the judge [Carl Wolfson] explained thoroughly the responsibility to the potential jurors. He then questioned each juror, followed by the ADA and the defendant's lawyer. Then they met outside of the courtroom to [determine] which jurors to accept. Some were chosen, more were then questioned and in just under 2 hours, 6 jurors and 1 alternate juror were chosen. There was a recess while jurors made phone calls. Everyone returned 15 minutes later (except the jurors) and the defendants plead guilty. The juries returned and were informed of the guilty plea so they were excused.

Washington Town

- This was a very quiet night, only 8 cases on the calendar, and 2 defendants did not appear.
- I had the feeling that this was as informal as courts could get. The judge [Bruce Aubin] did not call cases. He asked people in the courtroom what they were there for and then invited them up to the bench.

- Judge [Elizabeth] Shequine knew her law and made a huge attempt to be fair in each case. There were some unusual cases which she handled well. One was [issuing] an order of protection for a dog.
- This was a very professional and efficient courtroom, except for the ADA. She did not have all of her papers for each case, and at times was not knowledgeable [about the cases].
- A dog stealing case involved a defendant taking a dog from its owner due to the alleged abuse of the dog. The judge gave the defendant a lot of time to talk and explain [the circumstances that led to the theft]. The ADA recommended 150 hours of community service and a fine and she wouldn't budge. The judge was not happy and [imposed] her own sentence which was 25 hours [of community service] and no fine.

Dutchess County Court Monitors

Cheri Gifford, Coordinator

Michael Abrahamson

Gloria Ascutto

David S. Bagley

Patricia Bloom

Ann Christopher

Esther Cornell

Virginia Davis

Stewart Laidlaw

Leola Mason

Katri McEwen

Barbara Purcell

Linda Ann Sanberg

Richard Tallman

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The monitoring form used during this project was developed specifically for the monitoring of Town and Village Justice Courts and includes suggestions from local volunteers, attorneys and other advocates who work in these courts. Our thanks to all those who provided their invaluable assistance to the development of this form.

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This report was written by Modern Courts' Director of Court Monitoring Kimyetta R. Robinson, and reviewed and edited by Executive Director Dennis R. Hawkins. Additional research and data analysis was done by intern Renée Rivas. Additional editing was provided *pro bono* by Barry S. Agdern, Esq. of The Hearst Corporation.

For additional information or copies of this report, please contact:

The Fund for Modern Courts, Inc.

351 West 54th Street

New York, New York 10019

Telephone: (212) 541-6741

Fax: (212) 541-7301

E-Mail: courtmonitoring@moderncourts.org

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