

# Committee for Modern Courts 2012 Legislative Survey

## Survey Instructions

Dear 2012 Candidate for the New York State Senate or Assembly,

On behalf of The Committee for Modern Courts, I am asking that you provide Modern Courts with responses to our 2012 Legislative Survey. Modern Courts is a statewide nonpartisan not-for-profit organization dedicated to improving the administration of justice and the court system in New York State.

Modern Courts does not endorse candidates but we will provide a report, including your individual responses, to the media. We will also post your responses (or lack of a response) and the survey results on our website. The responses and our report have received widespread media coverage in the past.

Please complete the survey on or before October 4, 2012. For your convenience, THIS IS A COPY OF THE ONLINE SURVEY, go to [www.moderncourts.org](http://www.moderncourts.org) for the link to complete the survey online. Our preference is for you to complete the survey online but if that is not available to you, please use this form and return by regular mail or fax (212) 541-7301.

For any questions, please contact our Deputy Director and Director of Advocacy, Denise Kronstadt, 212-541-6741 x103 or [advocacy@moderncourts.org](mailto:advocacy@moderncourts.org)

Thank you for taking the time from you campaign to answer these critical questions that concern all New Yorkers.

Dennis R. Hawkins  
Executive Director

**The Committee for  
Modern Courts**

**Improving the administration of justice in New York State**

The Committee for Modern Courts  
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**\*1. Please fill in the following information. If "none" is your answer, please type "none" in the space provided. Thank you.**

<b>Name</b>	<input type="text"/>
<b>Candidate for Senate or Assembly and District no.</b>	<input type="text"/>
<b>Contact</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>City/Town</b>	<input type="text"/>
<b>Fax</b>	<input type="text"/>
<b>Email Address</b>	<input type="text"/>
<b>Phone Number</b>	<input type="text"/>

Please begin the survey by simply clicking "Next"

## 2. What is your party affiliation?

- Democratic
- Republican
- Working Families
- Conservative
- Independence

Other (please specify)

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### 3. Are You an Incumbent or Challenger?

- Incumbent
- Challenger
- Open Seat
- New Seat

### 4. Are you a candidate for the Senate or the Assembly?

- Senate
- Assembly

## ISSUE: SIMPLIFYING OUR COURTS

A Constitutional Amendment is necessary to simplify the New York State Court System. New York has eleven different trial courts each with unique jurisdiction – many litigants, large and small businesses, attorneys, local government agencies and not-for-profit advocacy organizations must appear in different courts in cases involving the same parties. This costs our Local, County and the State governments money, is a waste of time and reduces equal access to justice, especially for those without counsel. A streamlined, two-tier court system, would reform justice in New York.

As the following diagram illustrates, simplifying the New York Court system would create a streamlined two-tier structure comprising a new Supreme Court (consisting of the current Supreme Court, County Court, Family Court, Surrogate's Court and the Court of Claims) and a District Court system (this does not effect Town and Village Justice Courts). The District Court would include the current District Courts on Long Island, the New York City Civil and Criminal Courts, and the City Courts outside New York City.

#### 2012 Supporters:

Local and Statewide Business Groups: Association for a Better New York, Atlantic Legal Foundation, Buffalo Niagara Partnership, Business Council of New York, Business Council of Westchester, CenterState Corporation for Economic Opportunity, Greater Binghamton Chamber of Commerce, Greater Watertown-North Country Chamber of Commerce, Long Island Association, Inc., Manhattan Chamber of Commerce, National Federation of Independent Business in New York, Orange County Chamber of Commerce, Partnership for the City of New York, Queens Chamber of Commerce, The Westchester County Association, and the Tompkins County Chamber of Commerce.

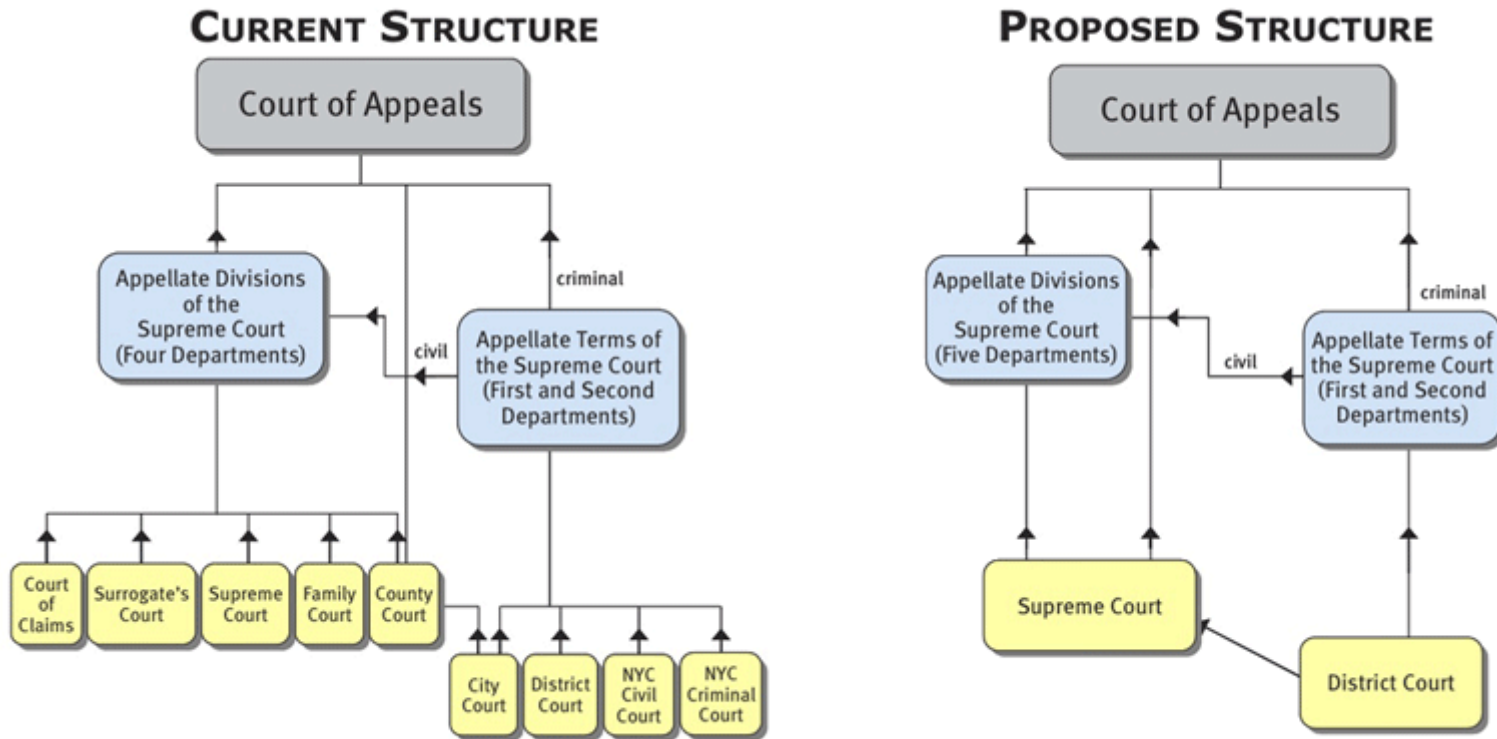
Local and Statewide Advocacy, Bar, Human Service and Good Government groups: African Services Committee, Behavioral Health Services North, Inc., Children's Law Center (CLC), Citizens Union, Columbia Law School Sexuality & Gender Law Clinic, Common Cause/NY, Day One, Downstate Coalition for Crime Victims, Empire Justice Center, Fund for Modern Courts, Hope's Door, Inc., Human Services Council, inMotion, Inc., Lawyers Committee Against Domestic Violence, League of Women Voters/NYC, Legal Information For Families Today (LIFT), MFY Legal Services, New York City Bar Association, New York County Lawyers'

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Association, New York Legal Assistance Group (NYLAG), New York State Bar Association, New York State League of Women Voters, Pace Women's Justice Center, Project Permanent Group, LLC, Rural Law Center of New York, Safe Horizon, Sanctuary for Families, Spanish Action League, STEPS to End Family Violence, The Door - A Center of Alternatives, Inc., The Legal Project, The St. Luke's-Roosevelt Crime Victims Treatment Center, Urban Justice Center, Victim Resource Center of the Finger Lakes, Inc., Voices of Women Organizing Project, and Western New York Law Center, Inc.

If you want more information before answering the question please go to [www.moderncourts.org](http://www.moderncourts.org) and follow the links to advocacy. You will also be able to find a link to the Report by the Special Commission on the Future of the New York State Courts, established by former Chief Judge Judith S. Kaye.

## Current and Proposed Court Structure : Note the appeals process would remain the same.



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### 5. Would you support a Constitutional Amendment to consolidate the State's major trial courts into a two-tier structure?

Yes

No

Comment

## ISSUE: FAMILY COURT

Family Courts, located in every county of the state, hear matters involving children and families, including adoption, guardianship, foster care approval and review, juvenile delinquency, family violence, child abuse and neglect, and child support, custody and visitation.

**6. New York Family Court, entrusted under our Constitution to do justice for vulnerable children and families, is in crisis. Since voters approved a statewide Family Court in 1962, soaring caseloads have far outpaced the state's record of creating the judgeships necessary to hear Family Court cases with the speed, expertise, and sensitivity that these delicate matters require. Yet legislation seeking to increase the number of judges based upon caseloads in counties across the state, has failed to pass.**

### Would you support legislation that provides for more Family Court Judges?

Yes

No

Other (please specify)

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**7. An order of protection is an important court order that provides protection from abuse between family member related by blood or marriage, couples who are separated, divorced, intimate partners, including same-sex couples, teenagers and others, or couple with a child in common. Among the terms of the order, a judge can order the respondent (defendant): not to assault, menace, or harass, commit crimes of reckless endangerment or disorderly conduct, be removed by the police from the home, stay away, not to telephone or e-mail or write to the petitioner. It orders police and/or subsequent court intervention if the order is violated. The judge can also protect children in the order of protection.**

**Would you support legislation that would require Orders of Protection to be translated, in writing, into the language of the non-English speaking litigant, so the complainant and defendant, can better understand the terms of the order, the consequences of violating the order, and the enforcement mechanisms available to enforce the terms of the Order of Protection.**

Yes

No

Other (please specify)

### ISSUE: CRIMINAL JUSTICE SYSTEM

Each year, approximately 50,000 youths aged 16 and 17 are arrested in New York and prosecuted as adults in its criminal courts, overwhelmingly for non-felony offenses. As many studies over the past decade have shown, however, the adult criminal justice system does not effectively respond to teenage criminal behavior. It is costly and largely ill-suited to the challenges such crime presents. Experience in other states has shown that recidivism among teenager offenders drops markedly when the latter are treated with appropriate intervention programs and services designed for teenagers rather than with adult criminal sanctions.

An effective way of balancing the limits and needs of non-violent 16 and 17-year-old offenders with community needs is to establish a specialized forum within the state's courts in which those offenses may be addressed, a forum that blends features of criminal court and family court in a youth division of adult criminal court.

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### 8. Would you support a court forum that blends features of criminal court and family court in a youth division of adult criminal court to handle non-violent 16 and 17 year old offenders?

Yes

No

Other (please specify)

### ISSUE: HOW WE CHOOSE OUR JUDGES

Judicial elections are often controlled by political party leaders who determine who will be the candidate for judicial office. This political control coupled with the expense of campaigns eliminates the opportunity for many well qualified attorneys to seek judicial office.

According to the New York State Commission to Promote Confidence in Judicial Elections, "nine out of 10 registered voters believe that it is important for a judge to be independent from political party leaders and campaign contributors." The sense that judges may be beholden to financial donors -- whether actual or even just perceived -- undermines public confidence in our courts. Roughly 73 percent of full-time judges are elected. The most notable exception of course, is our state's highest court, the Court of Appeals, whose justices are appointed and confirmed through a qualification commission-based appointive system.

Although New York has ethical laws that prohibit judges from knowing the source of contributions and a Court Rule that prevents the assignment of cases to judges who receive campaign contributions of \$2500.00 or more from parties and attorneys who have a case before them, the amount that an individual or corporation may contribute to a judicial race in New York equals as much as \$50,000.00 in certain counties, thus maintaining a system that impedes an experienced attorney without financial or political resources to run for judicial office.

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**9. Would you support a qualification commission-based appointive system to replace judicial elections of judges and replace elections?**

Yes

No

Comment

**10. If a qualification commission-based appointive system of selecting judges was not enacted, would you support the public financing of judicial campaigns?**

Yes

No

Comment

**ISSUE: COURTS IN YOUR COMMUNITY**



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**11. Please mark and comment on which of the following components of our court system are important to the members of your community.**

- Jury Duty
- Court Facilities
- Judges
- City Court
- Family Court
- Supreme Court
- Village or Town Justice Courts
- Interpreters for Court Proceedings
- Help Services at the courts for Litigants

Comment