

Report on the Criminal Term of the Supreme Court

The New York County Court Monitors
Student Monitors from the
John Jay College of Criminal Justice

2003

It is desirable that the trial of causes of action should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed.

Justice Oliver Wendell Holmes
Cowley v. Pulsifer
137 Mass. 392, 294 (Mass. 1884)

The Fund for Modern Courts is a private, nonprofit, nonpartisan organization dedicated to improving the administration of justice in New York. Founded in 1955, and led by concerned citizens, prominent lawyers, and leaders of the business community, Modern Courts works to make the court system more accessible, efficient, and user-friendly for all New Yorkers.

The centerpiece of Modern Courts' efforts is our groundbreaking citizen court monitoring program, which gives citizens a powerful voice in how their court system is run. Our monitors, who now number more than 600 in over a dozen counties throughout New York State, have succeeded in obtaining numerous tangible improvements in the state's courts. This report details the findings of our citizen court monitors and student monitors from the City University of New York's John Jay College of Criminal Justice regarding the Criminal Term of the Supreme Court in New York County.

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I. COURT MONITORING IN NEW YORK STATE

The Fund for Modern Courts is a private, nonprofit, nonpartisan organization dedicated to improving the administration of justice in New York. Since 1975, Modern Courts has sponsored court monitoring projects around the state, through which ordinary citizens observe and evaluate their courts, report their findings, and issue public recommendations for improvement. Today, groups of court monitors are active in 16 counties.

For over twenty-five years, court monitoring has successfully pursued at achieving numerous public-interest goals, including:

- safeguarding the public's interest in the courts;
- making the courts more accountable and more sensitive to the needs of the communities they serve;
- successfully urging those responsible for the courts (including court administrators, state legislators, local government officials, and others) to make improvements, particularly in how the courts serve the public and how their personnel treat the public; and
- creating a constituency of citizens who understand the problems facing the courts and who are supportive of the courts' efforts to function efficiently and effectively
- publicizing problems that exist in the court.

Monitors come from all walks of life, and many have no prior experience with the legal system. They are asked to look at the courts from an outsider's viewpoint, which provides a fresh, common-sense perspective on how the courts can be improved. During the course of a monitoring project, these volunteers observe proceedings in a particular court for a period of several months, and complete forms designed to help them to evaluate all aspects of the court's performance, from the demeanor of the judges to the physical conditions under which the court operates. Modern Courts then publishes the monitors' findings in a detailed report, which is sent to the judges and other personnel observed, state court administrators, state and local legislators, the news media, and other interested parties.

Modern Courts' citizen court monitoring program has been influential in solving many problems faced by ordinary citizens in the courts. For example, monitors' comments about litigants with young children in the Family Court have aided in the establishment of in-court child care facilities in numerous courthouses across the state. In other courts, the implementation of a "staggered" calendar, modeled directly on monitors' recommendations, has drastically reduced both waiting time and overcrowding. Monitors' repeated calls for decent housekeeping and maintenance in the state's courthouses have led to a renewed commitment to courthouse upkeep by local governments, and to major improvements in recent years. Monitors were also helpful in persuading the New York State Office of Court Administration to introduce a mandatory "civility training" program for all non-judicial court personnel.

On a larger scale, monitors' reports were instrumental in encouraging the State Legislature to pass the Court Facilities Act of 1987, which led to construction of desperately-needed new courthouses around the state. Monitors' reports also influenced recent reforms that have made jury service less burdensome.

Overall, citizen court monitoring has improved communication between citizens and the judiciary, heightened the court system's sensitivity to public needs, and helped to ensure that those needs are met.

II. THE PROJECT

Criminal Term Of The Supreme Court in New York County

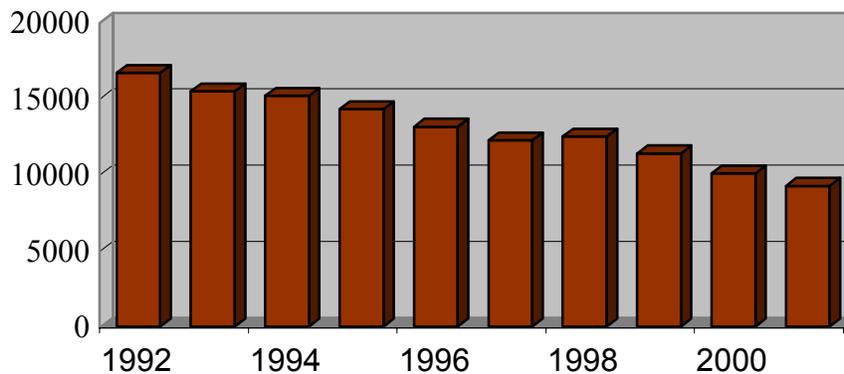
In New York State, the Supreme Court has original jurisdiction over both civil and criminal cases. In most counties of New York State, the Supreme Court generally handles civil matters where damages of more than \$25,000 are sought. However, in several counties including the five counties of the City of New York, the Supreme Court also has a Criminal Term which handles felony matters.

The New York County Branch of the Supreme Court, Criminal Term is responsible for the adjudication of all felony prosecutions in New York County. The Criminal term is divided into 2 arraignment parts, 13 conference and trial parts, 1 youth part, 1 narcotics part, 23 trial parts and 2 judicial hearing parts. On average, in excess of 2000 people visit the Criminal Term on a daily basis.

Caseload

From 1992 to 2001, new filings in the Criminal Term significantly declined. In 1992, there were 16,650 total filings. In 1993, filings fell to 15,437 which represents a decline of roughly 7.2%. The caseload continued to steadily decline throughout the 1990s. By 2000, the year that the project occurred, there were 10,042 total filings. In 2001, total filings fell to 9,241. Thus, in the ten-year period from 1992 to 2001, total filings in the Criminal Term fell an astonishing 44.4%.

**Total Filings in the Supreme Court, Criminal Term
(1992-2001)**



Appeals Process

Appeals from the Supreme Court are heard in the Appellate Division of the Supreme Court. Further appeals are brought before the Court of Appeals, New York's court of last resort.

The New York County Court Monitors

In 2000, the New York County Court Monitors evaluated proceedings in the Criminal Term of the New York State Supreme Court in Manhattan. By monitoring the Criminal Term, the volunteers provided the public with an opportunity to assess the effectiveness of this court, with its limited resources and aging facilities, in handling its caseload.

The project began with an orientation session for monitors at the Association of the Bar of the City of New York. At this meeting, Hon. Joan B. Carey, Deputy Chief Administrative Judge for New York City Courts, familiarized the volunteers with court procedures and the types of proceedings that they would observe. Kimyetta Robinson, Modern Courts' Director of Court Monitoring, explained the monitoring process and distributed materials for the project, including Modern Courts' *Criminal Court Monitoring Handbook*.

John Jay College of Criminal Justice Partnership

This monitoring project marked the inauguration of a unique collaboration between the City University of New York (CUNY), the Office of Court Administration, and Modern Courts. Modern Courts expanded its pool of citizen court monitors by designing a program whereby students from two carefully selected CUNY courses served as court monitors as a fieldwork component of their coursework. In addition, the Office of Court Administration supplemented the student's fieldwork with a series of regularly scheduled lectures by judges and court personnel. This pilot program, involving students from the John Jay College of Criminal Justice, began in the spring 2000 semester. The students added a young and diverse voice to the court monitors, and presented a perspective on the court that is too seldom heard.

This report is based on a total of 203 observations of the Criminal Term between January, 2000 and May, 2000. These observations gave the monitors insight into the Criminal Term of the Supreme Court's operations and its ability to serve the public.

III. JUDGES

Following are the monitors' evaluations of the each judge that they observed in the Criminal Term during the course of the project. The monitors evaluated these judges based on their demeanor, professionalism, command of the courtroom, attentiveness, and audibility among other factors.

This section includes biographical information on each judge who submitted such information and summaries of the monitors' findings.

Hon. Herbert J. Adlerberg

Judge Adlerberg did not respond to Modern Courts' request for biographical information.

Demeanor

Monitors were generally impressed by Judge Adlerberg's demeanor on the bench. They described Judge Adlerberg as "understanding" yet "very stern." They also found that he was "firm in his remarks and instructions," "kept the pace going," and was "patient" when explaining their rights to defendants, particularly when they were entering into a plea agreement. According to one monitor, "He explained everything so clearly that even a lay person, like myself, fully understood every aspect of the plea." Another remarked, "The judge seemed to be unfailingly polite with the lawyers . . . seeming to understand that their caseloads" were "mind bogglingly" large. Nevertheless, one monitor noted, "He seemed to have zero tolerance for lateness and poor excuses." For instance, the monitor continued, "I observed an [assistant] district attorney go up to him and tell him that someone was running late and they would be here at 3 PM. The judge said, 'I'm not waiting here till 3 PM.'" After observing a morning of arraignments in Judge Adlerberg' courtroom, another monitor commented, "It was an enervating morning [but] the judge was very efficient in a quiet and understated way." One observer concluded, "Overall, I think that Judge Adlerberg was very fair."

However, one monitor felt that Judge Adlerberg exhibited "no patience" during one court session. This monitor observed, "He told a prosecutor that he had no common sense. The judge told the prosecutor that he would be there thirty years and still have no common sense. You either have it or you don't. The judge then told the prosecutor to call his supervisor." The monitor also noted, "The judge told a clerk to make sure that a protection order was issued against that 'loudmouth,' referring to a particularly upset defendant."

Professionalism

Monitors felt that Judge Adlerberg was generally "professional" in his handling of cases, and appeared "very prepared" and experienced to the monitors. As one monitor put it, "Judge Adlerberg has obviously been at this awhile."

Command of the Courtroom

Monitors were divided on Judge Adlerberg's control of the courtroom. One monitor remarked, "The judge had no courtroom control. There was lawyers talking [and] walking around, [and] in and out the door. The court officers had to tell them to stop twice. The judge did say anything." Another monitor agreed, "He could not control the courtroom. He did not really try to. People were talking and it was very hard to hear anything. People continuously walked in and out of the courtroom which added to the noise." Several others felt that exhibited good control of the courtroom activities. One observer found, "He held the gallery well in check with a firm hand when the attorneys became too boisterous." Another observed, "He controlled the noise and if the officers didn't yell "Quiet," the judge did."

Hon. Bruce Allen

Judge Allen is an Acting Supreme Court Justice. He was appointed to the Criminal Court of the City of New York in 1986 and reappointed in 1995. He was originally assigned to the Supreme Court, Criminal Term in 1992.

Demeanor

Monitors repeatedly praised Judge Allen's demeanor. They described Judge Allen as "amiable" and "low-key" yet "dignified."

Monitors found that he "was always polite and courteous to everyone, " was "calm and collected," and "did not shout or yell at anyone." One monitor praised, "He is invariably pleasant to all, treats jurors with respect and even has a sense of humor." Another monitor noted that Judge Allen handled the disappearance of one defendant during jury selection "with calmness and general dignity." Yet another remarked, "If there was a delay, he apologized to everyone especially the jury because their time [appeared] the most valued."

Judge Allen received praise for his "patience." One monitor observed, "He was very patient with [a] defendant who did not speak English." Another found that "the judge was very patient with both attorneys."

Professionalism

Monitors described Judge Allen as "always professional" and "very punctual." One observer noted, "The judge showed respect for time. When the jury took a break, they had to return at a specific time and they did."

Attentiveness

The monitors also found that Judge Allen appeared "observant" and "aware" while on the bench. One monitor observed, "During the questioning of witnesses by both sides, he listened

intently.” Another noted that he was “mindful of the need to explain to [the] jury that they should ignore sustained objections by attorneys.”

Audibility

In regards to Judge Allen’s audibility, monitors were divided. While several monitors felt that he “spoke loud enough” and “in a very clear voice;” others felt that he spoke “softly” and was “sometimes difficult to hear.”

Other Comments

Monitors described Judge Allen’s explanations of rulings and proceedings as “excellent.” They found that he “spoke in a non-technical manner” and that “all information and explanations to the jury and attorneys [were] clear and precise.”

Hon. Hebert I. Altman

Judge Altman is an Acting Supreme Court Justice. In 1978, he was appointed to the Criminal Court of the City of New York, and reappointed in 1988 and again in 1999. He was first assigned to the Supreme Court, Criminal Term in 1980.

Demeanor

Monitors described Judge Altman as “soft-spoken,” “competent,” and “fair.” One monitor specifically praised him for “lucid, clear and direct” explanations to prospective jurors of their responsibilities as jurors.

Professionalism

Monitors generally found that Judge Altman’s conducted himself in a “professional” manner throughout the proceedings.

Several monitors were surprised that Judge Altman “did not have his robe on” during the proceedings. However, monitors approvingly noted that he appeared professional without the robe because “he had [on]a very nice suit” or was otherwise “very well-dressed.”

Attentiveness

Judge Altman specifically received praise for his active role in the proceedings. Monitors observed, “Judge Altman took an active part in the questioning of [a] bail bondsman,” “demanded that vague lawyers make themselves clear,” and “told everyone to keep their voices up” during the proceedings.

Command of the Courtroom

In general, monitors found that Judge Altman “maintained control of the courtroom.” One monitor observed, “He was firm with the lawyers that he wanted to start [the trial] by the afternoon session and despite the ADA’s earnest request to postpone until [the next] morning because of the his witness unavailability, [the judge] kept his schedule and insisted that both lawyers do their openings.” However, one monitor noted, “[The] judge and other court personnel tolerated an unusual amount [of] conversation among the spectators.”

Hon. Jeffrey M. Atlas

Since 1982, Judge Atlas has served as an Acting Supreme Justice. He was originally appointed to the Criminal Court of the City of New York in 1980 and reappointed in 1989 and 1999.

Demeanor

Modern described Judge Atlas as a “serious,” “very thorough judge.” They observed that he “showed the defendants respect.”

Monitors praised Judge Atlas’ interactions with jurors. One monitor exclaimed, “It is such a joy to hear Judge Atlas address a jury!” This monitor added, “He gave a beautifully clear explanation of the trial process and what they should expect.” Another observed him dealing kindly with “a recalcitrant tearful juror who after being chosen (and taking the oath) decided that she could not serve.” This monitor noted that he spoke to the juror “most gently” as he concluded that she would not be capable of serving. Another observer pointed out, “He did something [that] judges don’t often do [when] explaining why he was opposed to juror note taking, he gave personal praise to the skill and accuracy of the court reporters.”

Professionalism

Judge Atlas received praise for appearing “genuinely concerned about possible misuse of [the] jury’s time” including being “particularly apologetic for [the] initial delay” in the start of proceedings and “expressing awareness of their probable frustration.” However, one monitor noted that although “he did apologize to the jury for the delay in starting court, [he] offered no explanation why.”

Attentiveness

Monitors generally found that Judge Atlas was an active participant in the proceedings. One monitor reported that he “attentively listened to the various cases.” Another remarked, “The judge was very attentive and involved himself [in the proceedings] a great deal.” This observer added, “Due to the fact that the defendant did not speak English, the judge intervened on many occasions to allow the interpreter to fully explain the questions. The judge even took the time to

explain and restate proceedings to the defendant.” One monitor felt that Judge Atlas was “fairly attentive but he seemed bored by the proceedings.”

Command of the Courtroom

Monitors generally found that Judge “maintained order in the courtroom,” and “kept the cases moving [but] there was not a sense that the cases were rushed.” One monitor praised the courtroom “was under control the whole time.”

Hon. Harold B. Beeler

Judge Beeler is an Acting Supreme Court Justice. He was elected in 1987 to the Civil Court of the City of New York, and reelected in 1997. He was first appointed to the Supreme Court, Criminal Term in 1991.

Demeanor

Monitors described Judge Beeler as “attentive” and “considerate.” One monitor praised, “Judge Beeler was quite the professional; he was cordial, patient, competent, and he maintained great control of the courtroom.”

Monitors generally found that “Judge Beeler was very respectful to everyone in the courtroom.” According to the monitors, “Judge Beeler was “very patient, especially in informing the prospective jurors how the proceedings would be carried out” and “polite” to lawyers and witnesses. In fact, “The judge was very respectful to everyone in the court – especially his staff; in fact, when he first walked in, I thought that he was another court employee because he talked to them like they were real people.” Another monitor made a similar comment, noting that “he treated his staff with respect; he treated the attorneys well, and he tried his best to make the prospective [jurors] feel more comfortable with the whole courtroom atmosphere.”

Professionalism

Monitors commended Judge Beeler’s efficient use of the court’s time. One monitor praised, “The judge was very punctual and considerate of everyone’s time.” Another noted, “He was concerned about jurors staying beyond 5 PM.” However, one monitor commented that “Judge Beeler is a great professional, but he still has to work on punctuality. This was my second visit to Judge Beeler’s court and both times the proceedings started quite late.”

Attentiveness

Monitors generally found that Judge Beeler also appeared “involved” and “attentive” during the proceedings. One monitor praised, “He seemed to be completely aware of any problems that arose in the courtroom.” According to this monitor, “when it became too warm he ordered the windows open [and] when a witness needed to have less light on the television

screen used by the prosecution, he made sure that the lights were dimmed.” However, one monitor observed that Judge Beeler appeared to sit “expressionless throughout the trial of defendant.” This monitor felt that he “could have reminded the jury to try harder to pay attention” because the jury appeared “lethargic – beyond restless.”

Command of Courtroom

Monitors agreed that Judge Beeler “maintained great control throughout the proceedings, while maintaining [his] dignity and professionalism.”

Audibility

Monitors found that Judge Beeler “spoke very clearly” and the “proceedings were very audible.” As one monitor noted, “The judge made an overt effort to make sure everyone spoke audibly and clearly.”

Other Comments

Judge Beeler received praise from the monitors for clearly explaining his rulings and court procedures. One monitor observed, “In a case which he had to deal with, a plea bargain for a felony drunk driving charge, he was deliberate and clear in the requirements that he established before he would accept the guilty plea. He [also] made sure that the interpreter was giving the proper information to the defendant, his wife, and lawyer.” Another praised, “In his explanations to the prospective jurors, he used everyday language [and] went over some things more than once to make sure that they [were] clear to everyone.” Another observer noted, “His explanations to the jury about procedure and reasons for a recall of the witness was clearly stated and considerate of their need to understand what was happening in the courtroom.”

Hon. Carol Berkman

Judge Berkman did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Berkman as an “imposing” with a “strong” voice and a “dominating personality.”

Monitors also praised Judge Berkman’s treatment of jurors. They reported that she was “very patient with the jurors,” “very clear in instructing the jury,” and “very considerate of them.” One monitor observed, “She tried to interject some humor when questioning the jurors.” Another noted, “Despite the poor acoustics in this large courtroom, the judge instructed the jurors clearly and audibly.”

Professionalism

Monitors praised her punctuality. One monitor reported, “She was on time [and] started on time.” Another observed, “Judge Berkman was on the bench when the courtroom door was unlocked.”

On several occasions, monitors were distressed by Judge Berkman’s treatment of attorneys. Some felt that she “had very little patience” with attorneys and “angrily reprimanded” attorneys. In fact, one monitor described her as “most combatant judge [that] I have ever had to witness.” Another observed, “She was not gentle” when reprimanding attorneys [but] “yelled loudly, “Be quiet and don’t bother me” and “Stop! I said, Stop.” One monitor observed a disturbing interaction between Judge Berkman and “2 attorneys who obviously missed her calendar call at 9:30 AM [and came] to speak with her.” The monitor reported, “She screamed like a banshee, and treated them like kindergartners who needed to be punished.” Another felt, “She was particularly severe with the defense attorneys, lecturing them about appearing early and certain reports that should have been presented prior to [their appearances].” After observing proceedings in Judge Berkman’s courtroom, one monitor commented, “She should [have] better control [over] her expressions of anger, frustration and her inappropriate facial expressions.” Judge Berkman did receive praise from one monitor who felt that she “seemed willing to compromise with both attorneys” during one case that this monitor observed.

One monitor expressed concern regarding Judge Berkman’s treatment of defendants and others in the courtroom. The monitor felt that “the judge got irritated very easily” and “gave the defendants a piece of her mind.” This monitor also was unsettled by the fact that Judge Berkman “compared one of the defendant’s apology to the Nazi’s apology to the people in concentration camps. Then she called one of the [defendant’s] girlfriends [a] girl with no sense because she was pregnant with the defendant’s child.” The monitor added, “I do not mind if the judge criticizes the defendant but his/her relatives and significant others are off limits. They are not on trial here.” Another monitor observed her “scream” at one defendant that “he disgusted her and she yelled at the attorney because her co-counsel was in the courthouse in the Bronx. It was disturbing to see a judge lose control like that and insult another person.” However, this monitor also noted, “Besides this one incident, Judge Berkman was calm and moved her cases along pretty fast.”

Several monitors pointed out that Judge Berkman sometimes did not wear a robe. One monitor remarked, “The judge did not wear her robe. I heard people behind me asking each other why [she] was not wearing her ‘judge thing.’” Another noted, “Judge Berkman did not wear a robe which is a symbol of her position in the courtroom.” This monitor felt, “She should behave with a little more dignity and wear that robe. It is a small thing but it makes a huge difference to people.”

Attentiveness

Monitors were divided on how attentive Judge Berkman was during the proceedings. One monitor remarked, “The judge listened intently to the testimony.” However, another

observed that during testimony, “she sat at her desk the entire time and reading and working on files.” The monitor continued, “She never looked up, she never looked at the jury [and] one juror was fighting sleep the whole time . . . nodding and waking.” However, another observer commented, “She spent all of her time looking at her laptop which made me believe that she was not attentive but she really was. Whenever an attorney made an objection, she was quick to respond and knew exactly what had been said.” Another monitor concurred with this assessment: “I noticed throughout the voir dire that Judge Berkman was doing other things such as opening her mail, typing on her lap top, and at one point she got up and started to look for something. She [also] was opening draws, moving books and paper and walking around. [However,] it was funny that even when she was doing this, she was still listening.”

Command of the Courtroom

Judge Berkman received praise from several monitors because “she seemed to have everything under control,” “was clearly prepared” for the cases, and appeared “anxious to move on expeditiously” through the calendar.

Audibility

Monitors also have divergent opinions regarding Judge Berkman’s clarity and audibility. One monitor found that “the judge was very audible.” Another noted that she “particularly loud when she yelled which happened several times.” However, other observers felt that Judge Berkman was not “intelligible unless she was screaming” and “was not loud enough to be heard in the back row.”

Hon. John A. K. Bradley

Judge Bradley is an Acting Justice in the Supreme Court, Criminal Term. He was elected to the New York City Civil Court in 1980, after sitting by interim appointment in 1979. In 1982, he was assigned to the Supreme Court.

Demeanor

Monitors described Judge Bradley as “very thorough” judge who “seemed to have a decent rapport with the attorneys.”

Attentiveness

One monitor noted that Judge Bradley seemed “attentive during most of the summations, but he and the others present seemed to lose interest as the summations dragged on and on.” Another commented that although he “didn’t do much note-taking” that he appeared to “listen.

Audibility

Monitors reported that at times Judge Bradley was inaudible. One observed, “He was not audible until he read a plea bargaining [defendant’s] rights, [then] his voice boomed out startling me; he was using the microphone – at last.” Another reported, “I could not hear him for most of the proceedings.” However, the monitor found that “during the allocution, [he] spoke clearly to the defendant through the microphone.”

Hon. Richard D. Carruthers

Judge Carruthers is an Acting Justice in the Supreme Court, Criminal Term in New York County. He has served in this capacity since 1986. He was originally appointed to Criminal Court of the City of New York in 1983, and reappointed in 1992.

Demeanor

Monitors specifically praised Judge Carruthers’ courteous interactions with jurors. One observer noted approvingly, “Judge Carruthers explained the whole jury . . . process in a conversational manner, using no notes, and looking at the jurors at all times. He made the process seem very logical and uncomplicated.” Another monitor observed, “He apologized for keeping the jury out for 20 minutes rather than 15 minutes [as] he had announced.” During a voir dire, yet another described Judge Carruthers as “very patient [when] questioning particular jurors who seemed to have problems with some of the issues.”

Professionalism

Monitors reported that Judge Carruthers “was on the bench on time” and “conducted himself in a dignified manner.”

Attentiveness

Monitors found that Judge Carruthers played an active role in the proceedings. According the monitors, “the judge took his own notes as the proceedings went on,” “asked the [attorneys and witnesses] for clarifying information” or “clarified one or two points” himself by “citing simple examples.”

Control of the Courtroom

One monitor felt that Judge Carruthers “needed better control of the courtroom since there were too many distracting moments where the jury was watching the court personnel as opposed to listening to the ADA examine the witness.”

Audibility

Another monitor found that “at times, it was hard to hear the judge because the courtroom door was opened and there was noise floating in from the corridors.” However, this same monitor noted that Judge Carruthers “did make a special effort to read [the charge] very clearly and audibly . . .with appropriate emphasis and intonation.”

Hon. John Cataldo

Judge Cataldo did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors commended Judge Cataldo for his “patience” and noted that he appeared “highly able” and “proficient.”

Command of the Courtroom

Monitors reported that Judge Cataldo “kept control of the courtroom.” One monitor noted, “The judge moved the calendar along without seeming to rush any cases.” Another observed, “[I]n one instance, the defense lawyer was present when the case was called but the defendant had stepped out. The judge adjourned the case until [the next month] instead of recalling it when the defendant returned.” Yet another concluded, his “courtroom was very much in order; Lawyers did not interrupt each other [and the] court officers conducted themselves very well.”

Audibility

According to the monitors, he was “generally audible,” but on occasion there were “audibility problems” resulting from him “not having a microphone.”

Hon. Michael Corriero

Judge Corriero did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Corriero as “personable,” “intelligent,” and “punctual” judge. One monitor referred to Judge Corriero as “by far the most inspiring judge” that the monitor had observed.

Monitors also commended Judge Corriero’s “very fair” and “patient” treatment of defendants and others in the courtroom. One monitor felt that he was “thoughtful and caring with defendants.” For instance, one monitor observed that he “asked sincerely not sarcastically –

‘How’s school?’ or ‘What were you depressed about?’” Another monitor observed that Judge Corriero “took time to carefully deal with [a] juvenile” defendant and “made sure defendants understood the charges.” Yet another observer reported that he “spoke compassionately to several mothers who were in the gallery, who had come forward when their sons were brought in. [The] judge spent much time reading a letter regarding the mother’s health. Then, ‘How are you feeling?’ he asked her.”

Judge Corriero specifically received praise for his dealings with jurors from the monitors. One observed, “In the most charming way with good humor,” he “stressed the importance of performing as a juror.” Another approvingly noted, “He also spoke to each juror (questioning) as though they were the only one there.”

One monitor offered the following comments after observing proceedings in his courtroom: “My experience in Judge Corriero’s courtroom was one of the most positive experiences I have had in my court observations. From the time he arrived in the courtroom to adjournment, he was handling a large volume of material yet he did it [with] patience.” The monitor added, Judge Corriero “never seemed rushed or harried yet in the time I was there he started a bench trial, spent a half hour talking to about 20 students . . . rendered a detailed verdict [for] a trial that he had conducted at some time in the past, had three groups of attorneys for calendar calls, and spent some time talking to what was obviously a juvenile consultant at his bench.” This monitor also noted that when he was talking to the students, “he tried with great patience to explain to them [his] desire to communicate with the children who come before him, even though [he and the children] are speaking from different experiences.”

Professionalism

Monitors praised the proceedings in Judge Corriero’s courtroom, describing his youth part as “best courtroom” that several had observed. One monitor noted, “The courtroom ran smoothly but there was not a sense of pressure.” They generally agreed that Judge Corriero “excelled at his job.” As one monitor concluded, Judge Corriero “did everything a judge should and more.”

Hon. Dorothy A. Cropper

Judge Cropper did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Cropper as a “no-nonsense judge” with a “firm” tone. As one monitor put it, Judge Cropper “was very business-like and serious” although “she made a few humorous comments.” Another monitor praised, “She listens carefully [to] what the attorney for the defendant had to say then made her response.”

Audibility

Several monitors observed Judge Cropper during a voir dire and felt that she “was very audible” but “made no attempt to get prospective jurors to speak up when they spoke softly.”

Hon. Laura E. Drager

Judge Drager did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Drager as “poised,” “professional” yet “funny.” One monitor praised, “She, the judge, [made] the courtroom feel like home. There was no screaming and her voice was very relaxing.”

Judge Drager was “very accommodating” to all involved parties when scheduling future court appearances. One monitor observed, “She made sure that the future court dates were convenient for them and explained everything to both sides.” Another monitor reported, “She asked the attorneys when was the best date for them” to schedule the next appearance.” The monitor described this practice as “very good” and atypical because in other courtrooms “the judge sets the dates” without any input from the attorneys.

Professionalism

Monitors described her as “very professional at all times.” The monitors specifically praised her because she “made good use of time.” For instance, when “she heard a case which had been wrongly scheduled during a recess instead of rescheduling the appearance” or “when she excused the jury for a lunch break, [then] she handled paperwork on other cases.”

Attentiveness

In general, monitors reported that Judge Drager appeared “alert” during the proceedings. In fact, one monitor observed, “She was constantly taking notes.” However, another observer felt that, on one occasion, Judge Drager appeared disinterested in the proceedings. This monitor reported, “When the lawyers were giving their summations, she [was] constantly looking at the clock on the wall. She also was looking through books and writings.”

Command of Courtroom

Monitors commended Judge Drager for “running an orderly courtroom.” One monitor observed that she “was quick [with] her decisions and made them in a voice which could be heard in all parts of the courtroom.” Another approvingly noted that she “made sure [that] she took control of her courtroom when attorneys started to yell at each other and when the wife was yelling at her husband when he was on the stand testifying.” However, this monitor added, “The one thing she did not do was intervene and stop court officers from carrying on conversations as

she was speaking.” Nonetheless, another observer praised, “Her attitude was mirrored in the behavior of everyone in the courtroom. The attorneys worked hard but were civil to each other and the jury was also respected and attentive. It does seem that judges not only have to make rules but it has been my observation that they set the attitude of every one in the courtroom.”

Audibility

Monitors agreed that Judge Drager and the proceedings in her courtroom were “very audible.” They commented, “There was no need for a microphone; the judge was very clear and loud when she spoke” and “I could understand everything that was said.” One monitor, however, “could hear the judge very clearly except at times when there was noise outside the courtroom.”

Other Comments

Judge Drager received praise for “explaining her decisions clearly and loud enough for all to hear.” One monitor noted approvingly, “Her explanations to the jury were very clear and conversational in tone.” Another praised, she “did not use words that were not understandable.” “Before an expert witness was about to testify, she addressed the jury with a succinct explanation.”

Hon. Daniel P. Fitzgerald

Judge Fitzgerald did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Fitzgerald as a “very friendly” and “extremely respectful” judge who was “very courteous” to witnesses and “polite” to attorneys. One monitor observed, “The judge had a very calm demeanor, patiently guiding the procedures without being interfering.” Another praised, “The judge was very attentive, taking notes throughout” the proceedings.

Command of the Courtroom

One monitor praised Judge Fitzgerald for maintaining order in the courtroom. This monitor observed that, during one case, he “made it clear that he wouldn’t [allow] the defendant’s family to stare, give dirty looks [or] provoke the other parties. He also said if they misbehave he would throw them out of the courtroom and they would not be able to return for the remainder of the court proceedings.”

Audibility

In general, monitors found that his audibility was “good” but sometimes that it was “difficult to hear the judge” because “there were no microphones.”

Other Comments

Monitors were particularly impressed by how “thoroughly” Judge Fitzgerald “explained everything” to jurors and others in the courtroom. One monitor reported, “He invited the potential jurors to interrupt at anytime and ask him questions.” Another monitor observed him “clarifying attorney’s questions on occasion when the witness seemed to have comprehension difficulties.”

Hon. Bernard J. Fried

Judge Fried is Acting Justice in the Supreme Court, Criminal Term in New York County. He was originally appointed to the Criminal Court of the City of New York in 1980, and was first assigned to the Supreme Court, Criminal Term in Bronx County in 1984. He has sat in the New York County Branch since 1989.

Demeanor

Monitors described Judge Fried as “respectful to all present,” and noted that he had “good control of the courtroom.”

According to the monitors, Judge Fried’s demeanor was “excellent” when interacting with jurors. One monitor praised, “He addressed each juror in a respectful manner attaching the title Ms. or Mr. to their last names” and “also informed the jurors of their potential duties during the trial.” Monitors also noted that when “the jury needed definitions [of the] charges, he delivered them to the jury in a very understandable manner,” “he pointed things out that he knew the jury would need clarification on,” and “explain[ed] the details of the case clearly to the jurors and was patient when he was asked repeatedly to repeat what he had said.”

Professionalism

Monitors were impressed by Judge Fried’s “very professional” performance on the bench. One observer commented, “He is a splendid judge and I have repeatedly been impressed by his clear decision-making, patience and overall professionalism.” Another monitor felt that Judge Fried handled a pre-trial hearing concerning alleged witness tampering with “sensitivity” and “tact.” Yet another reported, “When the witness (the subject of the alleged tampering) avoided answering a question directly, Judge Fried interposed – repeating the specific question the witness was avoiding.” One monitor concluded, “He exemplifies what a judge should be at least from what I’ve seen of the way he carries himself in his courtroom.” One monitor, however, felt that “the judge was professional, but he was not very patient.” The monitor continued, “He seemed bored with the defense attorney [and] he wanted him to quickly get to his point.”

One monitor observed, “the judge was punctual, when I got inside the courtroom, he was already on the bench [and] proceedings were not set to start for another half hour.”

Audibility

Generally, monitors found that Judge Fried was “audible.” One monitor noted that he even “ask[ed] if the occupants in the back row could hear his voice.”

Hon. Budd G. Goodman

Since his election in 1983, Judge Goodman has sat as a Supreme Court Justice in Supreme Court, Criminal Term. From 1973 to 1983, he was an Acting Supreme Court Justice in the Supreme Court, Criminal Term.

Demeanor

Monitors described Judge Goodman as a “pleasant” judge with an “informal manner.” Monitors noted, as examples of his informality, that “did not wear his robe” and sometimes “he announced the cases himself.”

One monitor was particularly impressed by Judge Goodman’s ability to remain “patient and calm despite all the minor irritations.” The monitor praised him for “dealing calmly with the incarcerated defendant’s outburst (about the unfair high bail, etc.)”

Another observer noted, “He has a way of being constantly busy – sometimes doing two things at once.”

Command of the Courtroom

Monitors found that “he [was] in firm control of the courtroom” and “kept attorneys on their toes at all times.” In fact, one monitor observed Judge Goodman “telling one lawyer to go out of the room when conferring with his client.”

Professionalism

One monitor observed that, on one occasion, Judge Goodman “did not give any reason for the delay” at the start of the proceedings; “however, the judge was on the bench looking at some documents even before the proceedings were set to begin.”

Audibility

Several monitors praised Judge Goodman for being audible. For instance, one monitor commented, “The judge spoke very clearly and loud enough for me to hear in a large courtroom.”

Other Comments

Monitors also praised Judge Goodman's thorough explanations of the law. One monitor noted, "He made certain that the defendants understood what was being said and explained the plea bargain [agreement] slowly and asked the defendant if he understood it clearly." Another praised, "He gave great instructions to the jury. He was very detailed and he often tried to clarify" terms. Yet another monitor observed, he "explained in detail" the role of the court interpreter to a witness who did not speak English. As one monitor put it, "He made sure that everyone could hear and understand him."

Hon. Dora L. Irizarry

Judge Irizarry did not respond to Modern Courts' request for biographical information.

Demeanor

Monitors described Judge Irizarry as "pleasant" and "courteous." One monitor noted that her courtroom was "relaxed yet not sloppy."

Monitors generally praised Judge Irizarry's treatment of those in her courtroom. One monitor observed, "The judge was courteous to the witnesses and to everyone else too." Another described her as "polite and aware that there were others in the court who were deserving of consideration." Yet another monitor observed her "showing great patience and compassion for the defendant" who "became agitated and morose." "The judge remained calm throughout" using "a firm soothing voice," the monitor added.

Monitors were particularly impressed by Judge Irizarry's interactions with jurors. One monitor praised, "Her explanation to the jury of the role of summations was to the point and clear." Another monitor felt that "She seemed to connect with the jury" when charging the jurors and noted that she told the jury "to take pride in being 'impartial jurors.'" This monitor added, "When she dismissed the jury for the day, she carefully stressed the importance of their keeping an open mind, of not deciding on a verdict until they heard ALL of the evidence. The judge handled this important aspects of her duties very capably."

Professionalism

One observer was particularly impressed that although "the judge arrived at about 10:15 AM, for the first time in [the monitor's] observation, [a judge] apologized for being late due to a conflicting meeting."

Attentiveness

Monitors also described Judge Irizarry as alert throughout the proceedings. One monitor commented, "She listened intently and took notes." Another noted, "She was very observant, [scolding] a gallery member (after excusing the jury for 5 minutes) for making faces at the jury."

Audibility

Several monitors also noted that she spoke “audibly” and “slowly.”

Hon. Marcy L. Kahn

Judge Kahn is a Justice of the Supreme Court. She was elected to this position in 1995. Prior to her election, she served as an Acting Justice in the Supreme Court, Criminal Term and Criminal Court judge.

Demeanor

Monitors praised Judge Kahn for being “pleasant” judge who “seemed very even-keeled and impartial.” One monitor concluded after observing Judge Kahn that “if I was ever in trouble, I would appreciate the even-handedness and courtesy exhibited by the judge and all the parties in the court.”

Judge Kahn repeatedly received praised for her “courteous” treatment of jurors. Monitors reported that “she greeted the jurors when they were brought in,” “explained the reason for delay[s],” “was very accommodating” when one of the prospective jurors had a scheduling conflict,” and “thank[ed] them for their patience” after asking the jury to leave the courtroom while conferencing with attorneys. One monitor observed, “She gently addressed one juror who might have been dozing.” Another monitor noted that Judge Kahn “sent [the jury] off to their deliberations” after expressing her “appreciation for their role” as jurors.”

Attentiveness

Monitors reported that Judge Kahn appeared “alert” throughout the proceedings. One monitor noted, “She assiduously took notes and argued with attorneys after the jury left about exactly what the witness had said [by] reading from her notes.” Another monitor commented, “The judge paid close attention throughout and really knew what had been said in testimonies.” Yet another praised, during motion hearings, “She listened to both lawyers, was aware of their citations and made her rulings after explaining herself in detail. All of this was done courteously.”

Audibility

According to the monitors, Judge Kahn “was audible most of time.” However, they were most impressed by her efforts to ensure that witnesses spoke audibly during the proceedings. As one monitor observed, “When the witness’s answers were mumbled or were unclear, the judge interjected questions to make certain the jurors understood.” Another observed praised, “She told a witness several times to “speak up” and move closer to the microphone.”

Other Comments

Monitors also applauded the fact that Judge Kahn “spoke in a way that lay people could understand.” One monitor noted that she “spent 35 minutes presenting her charge to the jury in precise and easily understood terms.”

Hon. William Leibovitz

Judge Leibovitz did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Leibovitz as “extremely attentive,” “knowledgeable,” and “punctual.” They also reported that he appeared “very concerned” about the proceedings and “treated both sides equally.” Monitors also felt that Judge Leibovitz appeared “experienced.”

Monitors praised Judge Leibovitz’s treatment of those in his courtroom. They noted that he “gave clear instructions to the jury without being pedantic or speaking as by rote” and that “during the questioning of one witness who was partially deaf and sometimes had trouble understanding the questions, the judge intervened to clarify the question.” Another noted approvingly that, before a defendant pled guilty, the “judge made sure [that] the defendant understood exactly what he was pleading guilty to.” The “judge questioned [the] defendant well [through an] interpreter” and “went extra slowly to make sure the defendant was understanding.”

Command of the Courtroom

Several monitors observed that Judge Leibovitz had “control” of the courtroom. One observer praised him for “very politely and effectively settling down” an agitated defense attorney.

Audibility

Several monitors experienced difficulty hearing Judge Leibovitz because he was “very soft spoken” but overall they were “impressed” by his performance.

Hon. Edward J. McLaughlin

Judge McLaughlin is an Acting Justice in the Supreme Court, Criminal Term. He was appointed to the Criminal Court of the City of New York in 1983 and reappointed in 1992. He has been an Acting Supreme Court Justice since 1986.

Demeanor

Monitors praised Judge McLaughlin's demeanor on the bench. Monitors described Judge McLaughlin as a "patient" and "polite" judge who "explained procedures" well, spoke "very clearly" and "loudly," and showed "respect for those in the courtroom." One monitor described Judge McLaughlin as "what a judge suppose to be like in every way."

Monitors repeatedly praised Judge McLaughlin for his "very good attitude." For instance, one monitor noted that Judge McLaughlin "had a good sense of humor" often "making jokes at times to break the tension."

Several monitors also praised Judge McLaughlin because "he had a lot of patience." For instance, one monitor observed, "[E]ven though one of the lawyers raised his voice," Judge McLaughlin "listened to what the lawyer had to say."

Attentiveness

According to the monitors, Judge McLaughlin appeared to be "very aware of what was going on in his courtroom." One monitor observed, he "took notes and was alert" during the proceedings. Another felt that he "listened very closely with an open mind." This monitor added, "He actually sat through the trial without doing other things such as opening his mail or typing" like other judges that the monitor had observed.

Command of the Courtroom

One monitor noted Judge McLaughlin exhibited "good control" of the proceedings. Another commented, "Judge McLaughlin had everything and everyone under control."

Hon. Michael J. Obus

Judge Obus did not respond to Modern Courts' request for biographical information.

Demeanor

Monitors described Judge Obus as "very attentive," "fair," and "patient."

Monitors were impressed by Judge Obus' treatment of all parties in his courtroom. In fact, one praised, he "appeared respectful of and even-handed in his treatment of the trial participants." One example of this was that he said 'thank you' to the defendant when he left the stand, the lawyers and to the alternates and the entire jury." Another monitor noted that "the lawyers were treated in a professional manner in Judge Obus' courtroom and they responded [well] to it." Another observer was particularly impressed that "he stepped down from the bench to sit on a lower stand when he conferred with attorneys." Monitors also commended him for his treatment of witnesses. For instance, one monitor reported, "Judge Obus was gentle and soft

spoken with [two non-English speaking witnesses] and reminded them to speak up even though neither he nor the jury could understand them without an interpreter.”

Monitors especially praised his treatment of prospective jurors. One monitor observed, “After inquiring if anyone didn’t speak English and needed an interpreter, the judge patiently and thoroughly explained the obligations of the jury without being patronizing.” Another noted, “He questioned each [prospective juror] in a professional but friendly manner.” Yet another monitor praised Judge Obus for “stressing that any peremptory challenges were not a reflection on personal integrity or intelligence” of the prospective juror.

Judge Obus also received praise for his handling of impaneled jurors. One noted approvingly that he was “quite deferential to jurors [and] thanked them for their patience in a credible manner.” Another reported that he made “obvious attempts to make [the jurors] feel comfortable with his non-threatening approach.” Yet another was impressed by the manner in which he woke a sleeping juror: “At one point, a juror dozed slightly and he called her name, quietly.” Another monitor found that Judge Obus was “expressive” when charging the jury and as a result “the jury paid close attention.”

Professionalism

Several monitors also described him as “very professional.” They noted that he was “punctual” and “made good use of his time by handling other matters briefly during short recesses” or by “conducting other business while waiting for a juror to arrive.”

Command of the Courtroom

Several monitors reported that Judge Obus “maintained firm control of the trial proceedings.” In fact, one monitor praised, “There is little distraction in [the] courtroom.” As one monitor concluded, he “ran his court with a quiet efficiency.”

Audibility

Monitors generally found that Judge Obus was audible due to his “very clear voice.”

Hon. Rosalyn H. Richter

Judge Richter is an Acting Supreme Court Justice. In 1990, she was appointed to the Criminal Court of the City of New York, and reappointed in 1999. Since 2000, she has been assigned to the Supreme Court, Criminal Term in New York County. Prior to her assignment to New York County, she served as an Acting Supreme Court Justice in Bronx County.

Demeanor

Monitors described Judge Richter as “pleasant” and “articulate.” They found that “she treated everyone objectively and professionally” and was “warm and friendly.” One monitor

praised, “The judge has a warm personality and a good sense of humor [which is] very important for a judge.”

Monitors commended Judge Richter’s treatment of jurors. One monitor praised, “The explanations and instructions to the jury were explicit and recited with sincerity and in an almost conversational manner making it easy to follow the instructions.” Another found that the judge “clearly explained her reasoning for rejecting challenges for cause and was careful to keep all the potential jurors informed about what was going on.” Yet another monitor noted, “She was careful to offer any potential juror a chance to speak to her privately about any concerns they had.” One monitor also praised her for “apologizing to the jurors for . . . the lack of a proper waiting room.”

Command of the Courtroom

Monitors agreed that Judge Richter “was in total command of the courtroom.” One monitor observed, “The session started promptly and events moved along without a feeling of hurriedness.” Another praised, “Her pleasant manner is very effective. She controls the courtroom with seemingly little effort.” Several monitors also noted, “the spirit of professional cooperation was noticeable” in her courtroom and “the courtroom personnel work with her very well.

Audibility

Several monitors also found that she was “very audible.”

Hon. Arlene R. Silverman

Judge Silverman is an Acting Supreme Court Justice. She was first appointed to the New York City Criminal Court in 1984 and reappointed in 1988 and 1998. Judge Silverman has been assigned to the Supreme Court, Criminal Term since 1989.

Demeanor

Monitors praised Judge Silverman’s “courteous” treatment of jurors. They also praised the clarity of her instructions to jurors. One monitor noted, “Judge Silverman’s charge to the jury was very clear.” Another agreed that she “presented the jury instructions clearly” also noting that she “made sure what she expects from them.”

Some monitors felt that Judge Silverman exhibited “no patience” with attorneys. One monitor observed, she “lost her temper often” and “kept interrupting” the defense attorney in a “very shrill voice.” Another monitor noted, “Twice, she told the jury ‘we’re pretty much on schedule’” which “gave the feeling that she was impatient and just wanted to be finished with the case.” However, another monitor felt that “Judge Silverman was patient when necessary. If she felt either attorneys [was] talking too much on one question she would intervene and ask the question herself.” Yet another monitor described her as “very direct at times” and felt that the

judge was “very impatient when the defense attorney” because the attorney “wouldn’t stop arguing with her.”

Several monitors also felt that Judge Silverman had a “contentious” relationship with some attorneys. During one case, a monitor reported that she “constantly interrupted the attorneys in their examinations of the witnesses” and “was so involved in the examinations that I was embarrassed for the attorneys. Who needed them the way she behaved?” Another monitor remarked, “Judge Silverman had a very contentious relationship with both attorneys, but more so with the prosecutor. She frequently interrupted the prosecutor’s questioning and at the end of the day cut him off altogether. She took over the questioning on many occasions and displayed very little patience with the lines of questioning chosen by the lawyers.” Another monitor found that “Judge Silverman not only guided the questioning of witnesses but dictated to attorneys how and what to ask. She often was contentious with the attorneys, but it was clear that was behaving in this fashion to move the proceeding along quickly. At times, her method seemed a little disconcerting because she basically took over the roles of the prosecutor and defense in questioning as well as acting as judge.”

Attentiveness

Several monitors questioned how attentive Judge Silverman was during the proceedings. One monitor described her as a “very nervous type – she talked a lot, chewed her fingers occasionally, wiggled in her seat.” Another observed, “At one point, during the trial, she looked bored. She picked up her purse and started looking through it for 5-10 minutes then put her purse down on the bench making a banging sound. It gave me the impression that she really wasn’t interested in what was going on in the courtroom.”

Command of Courtroom

Monitors reported that Judge Silverman started sessions “on time.” They also noted that “Judge Silverman [was] definitely the head of her courtroom” and that when “she said something had to be done,” it was done.

Audibility

Monitors found that Judge Silverman was “audible” and so were the proceedings in her courtroom. One monitor observed, “The judge was audible and ‘shushed’ officers several times during the bench conferences.” Another monitor praised, “I observed the voir dire process. The courtroom was completely filled with people and I was able to hear clearly in the last row.”

Hon. Leslie Crocker Snyder

Judge Snyder did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Snyder as “courteous” and “at ease.” They also praised Judge Snyder for being “straightforward,” “evenhanded” and “low key.” She was “not flashy but effective,” one monitor remarked.

Monitors praised Judge Snyder for her “courteous” treatment of litigants and other parties in her courtroom. They found that she was “courteous to all,” particularly witnesses and jurors and “display[ed] a warmth of personality and a quick smile when appropriate.” One monitor reported, “When Judge Snyder entered the [courtroom], the first thing she did was to greet (and shake hands with) each member of her “crew” of court officers.” This monitor added, “In another friendly gesture, she invited 2 young people (law school students) to sit on the bench to observe proceedings.” Another observed, Judge Snyder “was extremely pleasant to [the] jury, welcoming them, and joking around saying everyone should talk loud so they won’t fall asleep.” This monitor continued, “Also, one of the jurors started to cough and Judge [Snyder] sent over a glass of water.” Yet another monitor noted, “the judge gave the jury when they entered the courtroom a friendly greeting.”

Monitors found that Judge Snyder generally maintained a good rapport with attorneys. One monitor noted, “Judge Snyder seemed to have collegial and pleasant relationship with the lawyers who came before her and to her staff in the courtroom.” For instance, “The judge and attorneys worked smoothly in reaching agreement on the charge to the jury; the judge told the attorneys her intentions and she listened to what the attorneys” had to say. Nonetheless, another observer noted, “When she felt that she needed to, she intervened to have [an attorney] clarify his question.”

Professionalism

Monitors described Judge Snyder as “very professional.” They found that “Judge Snyder was on time and ready” and “kept things moving at a good pace.” One monitor noted that she appeared “totally focused on court procedures and testimony.”

Command of the Courtroom

According to the monitors, Judge Snyder was “very much in command” of the courtroom. Another monitor concluded, Judge Snyder “runs a well disciplined courtroom, maintaining a calm but efficient atmosphere.”

Audibility

Monitors were divided on the audibility of proceedings in Judge Snyder’s courtroom. Although some found that proceedings were “clear” and “audible,” others reported that the proceedings were “barely audible.” One monitor observed, “Judge [Snyder] did speak low (not using the microphone which was turned toward [the] witness) and sometimes could not be understood.” Another commented, “Neither the judge nor the witness was very audible.”

However, another observer noted, “At one point, the judge did tell the witness to speak louder. [However] the suggestion was not followed for more than 2 minutes.”

Other Comments

Several monitors noted that proceedings in Judge Snyder’s courtroom were sometimes delayed. While one of these monitors praised Judge Snyder for apologizing to the jurors for a delay in the start of the proceedings, another “ noted that the judge did not take the bench until 10:15 and that “no explanation [was] given” for the delay.

Monitors also reported that Judge Snyder “was attentive [and] listened to the witness earnestly” and was “specific and clear” when making explanations to jurors.

Hon. Brenda F. Soloff

Judge Soloff did not respond to Modern Court’s request for biographical information.

Demeanor

Monitors described Judge Soloff as “a very quiet straightforward judge” who appeared “competent.”

One monitor felt Judge Soloff’s “questioning of [defendants] prior to sentencing seemed impersonal and by rote. It appeared more important that prisoners gave the ‘correct’ answers rather than answers that they believed.”

Professionalism

Another monitor felt that although Judge Soloff conducted herself with “personal dignity” that the court session “lacked professionalism” because “almost all the cases were adjourned because an attorney was not present or defendant nor produced or people “not ready” and “between cases the ADAs sat in the jury box reading the newspaper.”

Other Comments

Monitors also found “audible,” “punctual,” and “in control of the court.”

Hon. Charles H. Solomon

Judge Solomon is an Acting Justice in the Supreme Court, Criminal Term. He was appointed to the Criminal Court of the City of New York in 1989, and later assigned to the Supreme Court.

Demeanor

Monitors described Judge Solomon as a “very professional” judge who exhibited a “great” deal of patience.

Command of Courtroom

Several monitors found that Judge Solomon maintained “good control of the courtroom.”

Audibility

Monitors praised him for speaking “loudly” so that he was audible.

Other Comments

Monitors reported that he “explained the rulings” and “made it clear [to witnesses] to speak up and answer ‘yes’ or ‘no’ questions with yes or no, and [to answer] open-ended questions open-endedly.”

Hon. John E. H. Stackhouse

Judge Stackhouse currently sits in the Matrimonial Term of the Supreme Court in New York County. During this project, he was an Acting Justice in the Supreme Court, Criminal Term. He was originally assigned to the Supreme Court, Criminal Term in 1991.

Demeanor

Monitors described Judge Stackhouse as “in control” judge with “a great sense of humor.” One monitor commended Judge Stackhouse for remaining “an authoritative figure throughout despite [an] occasional lapse into humor.”

Professionalism

Monitors described Judge Stackhouse as “very professional.” One monitor praised the efficient manner in which he conducted a jury selection and gave the following account: First, “The judge apologized [to the prospective jurors] because they were starting a little late. [Then] the judge [gave] the prospective jurors a sheet of questions which he used for voir dire. The jurors responded by looking at the questionnaire and answering ‘yes’ or ‘no’ after the judge mentioned the number of the question.” To follow-up, he “pursued some of the responses regarding reading materials, occupation [and] previous related experiences.”

Other Comments

One observer praised him for “explaining clearly and fully what acting in concert meant” to the jury.

Hon. Joan C. Sudolnik

Judge Sudolnik is an Acting Justice in the Supreme Court, Criminal Term in New York County. She sat in the Criminal Court of the City of New York from 1980 to 1982 when she was assigned to the Supreme Court.

Demeanor

Monitors described Judge Sudolnik as a “very punctual,” “soft-spoken” judge who ran a “very dignified court.” One monitor felt that her demeanor “foster[ed] a calm atmosphere” in the courtroom.

Monitors praised Judge Sudolnik’s patience. One monitor observed, “Her patience was discernable throughout the proceedings.” Another observer found that “she was patient with the witnesses.” This monitor added, “There was a witness that she told about 8 times to slow down because [the witness] talked too fast.” Another noted approvingly, “She was patient and allowed both of the attorneys time to make their points.”

Monitors had divergent opinions regarding Judge Sudolnik’s interactions with jurors. One monitor found that when instructing the jury, Judge Sudolnik “was straight to the point and explained [matters] in a way that the average person not having a legal background would understand.” However, another monitor who observed her charging a jury prior to deliberations found that although “the points she made were pertinent,” “she looked down at her notes a lot and read too fast.” The monitor added, “She relaxed only when she excused the alternate jurors, smiling and thanking them for their services.”

Command of the Courtroom

According to the monitors, she was “firm” and “in total control” during the proceedings.

Hon. Charles J. Tejada

Judge Tejada has served on the Court of Claims of the State of New York since 1990. He is assigned, as an Acting Supreme Court Justice, to New York County’s Criminal and Civil Terms.

Demeanor

Monitors described Judge Tejada as a “very professional” judge who appeared fair particularly in his dealings with attorneys.

Professionalism

Monitors found that Judge Tejada was “efficient” in his use of court time. For instance, one monitor noted, “While waiting for the defendant to be produced, the judge worked on his laptop computer.”

Monitors also noted that Judge Tejada “seemed capable” an in his dealings with attorneys and as a result “lawyers from both sides seemed to regard him highly.” One observer reported, “In dealing with the lawyers, he had a high degree of objectivity, not favoring either side.”

Command of the Courtroom

Monitors found that Judge Tejada “appeared to have tight control of the courtroom.” One monitor specifically praised Judge Tejada’s handling of “a difficult even possibly dangerous situation.” The monitor reported, “The defendant was difficult and possibly disturbed and had been spitting at everyone to such an extent that he was being restrained and was wearing a face mask. The judge spoke with the defendant warning him that if he wanted to be in the courtroom he would have to agree to behave perfectly. Otherwise, he would be placed in restraint[s], removed from the courtroom and the trial would proceed in his absence. Judge Tejada handled the volatile situation with finesse. The defendant agreed; the handcuff and masks were removed and he sat quietly throughout the session. This was due, I’m sure, to Judge Tejada’s firm but not threatening attitude.”

Audibility

Monitors found that Judge Tejada was sometimes audible and at other times inaudible. Several monitors found that “the judge was very soft spoken” and “didn’t articulate clearly.” Other monitors felt that he spoke in a “clear audible manner” and was “highly audible.”

Other Comments

Monitors found that he was “clear” in his directives to attorneys as well in his instructions to the jurors.

Hon. Edwin Torres

Judge Torres did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Torres as a “no-nonsense individual” who “clearly controlled [the] courtroom” yet “at the appropriate time joked with [court] personnel.”

In particular, monitors praised Judge Torres’ handling of jurors and witnesses. One monitor reported, “He was pleasant, courteous, and patient with the panel of jurors.” Another

found, “The judge paid close attention to all the jurors’ responses, interrupting to present views, and [was] a strong participant in the [jury selection] process.” Another observer noted, “He was consistent throughout his instructions to all of those taking part in testimony on how questions should be answered.”

Audibility

According to the monitors, proceedings in Judge Torres’ courtroom were consistently audible. Monitors found that Judge Torres spoke “loudly” and “clearly,” “used his mike,” and “asked jurors to speak up.” One monitor praised, “My seat in the courtroom was towards the back, however, I had no problem hearing statements made by all parties.”

Hon. Rena K. Uviller

Judge Uviller did not respond to Modern Courts’ request for biographical information.

Demeanor

Monitors described Judge Uviller as a “well-spoken,” “efficient,” and “pleasant” judge.

Judge Uviller received praise for her treatment of attorneys and other parties in the courtroom. One monitor observed, “During the session, the judge was patient and treated the defendants respectfully. She encouraged them to keep up the good work like participating in the treatment programs and staying out of trouble” and “spoke to the defendants in [a] respectful manner and praised those who were doing well in the programs or staying out of trouble.” Another found, “She was patient and worked well with attorneys.” Yet another observer approvingly noted, “She was understanding of the jury’s needs and explained her reasons for allowing them to take notes (the case is complicated [and] expected to run a long time). Her explanation of the role of notes, and its effect on their deliberations was clear.”

Judge Uviller’s handling of witnesses particularly impressed the monitors. One monitor reported that Judge Uviller “calmed” witnesses by saying things such as “Take your time” and “Ask for explanations if you don’t understand.” Another observer praised, “She told [witnesses] if they did not understand a question [to say], ‘please rephrase’ and it will be repeated to them. Judge Uviller made them feel at home and comfortable. She [also] advised them not to be nervous and to speak into the mike for the everyone to hear.”

Yet another monitor observed, “She was gentle and encouraging with the witness who was nervous [and] had a foreign accent and was inclined to speak rapidly and softly. She also protected him from the objections of the defense attorneys whose objections were meant to be intimidating without taking sides in the case. She just was very human in her appreciation of the his nervousness.”

Professionalism

Monitors found that Judge Uviller behaved with “dignity” and “professionalism” during the proceedings. One monitor observed, “The judge never lost her temper.” One monitor felt that Judge Uviller reacted too strongly to an attorney’s admittedly trying behavior. This monitor acknowledged that “[The defense attorney] certainly tried the judge’s patience, [but the monitor] felt that she overreacted” and that “her obvious growing disdain for his line of questioning was driven home to all present by her head shaking and indiscreet facial expressions.” The monitor applauded “her obvious priority to not waste the court’s time.” Yet, the monitor felt “more discretion was called for.” The same monitor, however, felt that “the judge [exhibited] admirable control in tolerating another defense attorney snapping at her “Don’t suck your teeth at me.”

Command of the Courtroom

Monitors repeatedly praised Judge Uviller for “smoothly” running “a very quiet and well controlled courtroom.” Several monitors commented [that] she was “perfectly in control of her courtroom.” They also noted that she “moved things along,” and “told the witnesses to speak louder.” One monitor observed, “The judge instructed the jury to be prompt so as not to delay proceedings. Her admonition was very matter of fact not impatient” in tone.

In particular, many monitors praised her handling of the attorneys during one high profile case. One monitor remarked, “She kept the rather flamboyant defense lawyers in line.” Another noted, she strictly “limit[ed] attorneys’ questioning to the allotted time.” This monitor and others noted that Judge Uviller tried to “keep the trial moving.” For instance, monitors observed, “She told the ADA several times to speed up her presentation” and “was expressive and vocal” in letting attorneys know when they were “nitpicking.”

Audibility

The majority of monitors found proceedings in Judge Uviller’s courtroom to be audible. Monitors pointed out that she “requested that everyone addressing the court use the microphones,” “kept the microphone right in front of her,” and “spoke very audibly.” However, one monitor felt, “She spoke softly and sometimes it was hard to understand what she said. There was a microphone but it was too far away. However, in the middle of session, judge moved it closer to her.”

Hon. William A. Wetzel

Judge Wetzel sits in the Supreme Court, Criminal Term by designation. He was appointed to the Supreme Court in 1995 and reappointed in 2000.

Demeanor

Monitors described as Judge Wetzel as a “friendly” judge with a “very good sense of humor “and a “calm demeanor.”

Monitors also found that Judge Wetzel paid “close attention.” One monitor noted approvingly, “He took notes throughout and seemed totally interested in the court proceedings.” Another monitor observed, “For the most part, he was dignified and professional except for one moment. As the court officers were leading the defendant set for sentencing into the courtroom, the judge was laughing with his law clerk and quipped to the defendant, ‘I have bad news for you.’” This monitor felt that the “judge’s behavior did not reflect the gravity of the situation for the defendant. ”

Command of Courtroom

Monitors generally were impressed by Judge Wetzel’s conduct throughout the proceedings. They particularly noted that he had “control” of the proceedings. One monitor observed, “Judge Wetzel kept today’s proceedings moving steadily by addressing both counselors to stick to [the] business of trying the case and not confusing jury by detouring off track with irrelevant matter[s].”

Audibility

Monitors also found that Judge Wetzel and proceedings in his courtroom were “very audible” and “clear.”

Hon. Renee Allyn White

Since 1989, Judge White has been an Acting Justice of the Supreme Court, Criminal Term. Prior to her assignment to the Supreme Court, she was a judge in Criminal Court of the City of New York from 1985 to 1988, and a Civil Court judge from 1984 to 1985.

Demeanor

Monitors described Judge White as “patient,” “attentive,” and “very punctual judge.” They felt that she “treated everyone with complete respect” and “was very friendly.”

Monitors praised Judge White’s treatment of jurors in her courtroom. One monitor praised, “The judge was very cordial [including] welcoming the jury panel back and thanking them.” Another monitor noted, “She explained all the proceedings clearly to jurors.” One monitor noted her patient treatment of a defendant: “Judge White did in a clear voice explain the plea to the defendant and also gave him about five minutes to decide.”

Command of the Courtroom

Several observers found that Judge White “had complete control over her courtroom.” One monitor, who observed a “very speedy” session, praised the judge for “calling the next case and then going back later to the ones skipped” when the attorneys arrived.

Audibility

In general, the monitors found that Judge White was “very well-spoken” and “audible.” One monitor remarked that she spoke in a “loud and clear” voice. Another noted, “She asked jurors to speak up when needed.”

Hon. Bonnie G. Wittner

Judge Wittner did not respond to Modern Courts’ request for request for biographical information.

Demeanor

Monitors described Judge Wittner as a “polite but determined” “no-nonsense judge” who was “quite serious and focused.”

Attentiveness

Monitors were impressed by the active role that Judge Wittner took during the proceedings. One monitor noted, “She did not hesitate to ask questions and attempt to clarify answers.” Another reported, “Judge Wittner is alert and aware in her courtroom. She tries to keep the testimony moving and in the face of an interpreter who was to say the least bad, she listened attentively and asked questions to move the questioning [along].”

Command of the Courtroom

Several monitors also applauded Judge Wittner’s firmness with attorneys and other parties. One monitor noted approvingly, Judge Wittner “kept the lawyers in line.” Another monitor observed that Judge Wittner would not “allow [an] attorney [to] send a staff member with the message that he [was] on trial” in another courtroom. She demanded and got a response from the attorney of record for a precise date for submissions and a date for trial. This was done quietly but with the accompanying statement ‘ I will not leave this courtroom today without this being settled. Get back to me in the next half hour...and they were back.’ One monitor felt that her firmness led to lawyers being more respectful in her courtroom. This monitor commented: “I could not help but notice how one lawyer spoke to her with utter deference.” Another monitor praised her for speaking “sharply and plainly” to a defendant who was “without a lawyer because the lawyers assigned to defend him found him quarrelsome even threatening.”

Professionalism

Monitors praised for Judge Wittner's efficient use of court time: As one monitor noted approvingly, "Her short recesses were as she declared them - i.e. 10 minutes did not become 30 minutes. She starts her calendar at 9:30 [AM] so she can begin her trial at 10 [AM] and did not adjourn until 1 PM."

Audibility

Several monitors reported that Judge Wittner "spoke clearly."

Other Comments

Judge Wittner received praise for her explanations of the law to defendants and jurors. One monitor reported, "Her explanation of the law to defendants being arraigned and pleading guilty was well spoke, clear and [seemed] understandable to all of them." Another noted, "the judge presented the jurors with a general outline of the trial" during which "she spoke audibly and clearly, emphasizing the basic rules of what they should expect." A third monitor observed, Judge Wittner "gave an excellent summarization of what lawyers proclaimed and gave not only standard instruction to juries" but gave instructions particular to the case. "

Hon. James A. Yates

Judge Yates was elected to the Supreme Court in 1998. From 1992 to 1998, he served as a judge in the New York State Court of Claims.

Demeanor

Monitors praised Judge Yates' demeanor on the bench describing him as "quietly competent" and "businesslike." One monitor noted, "He addresses all people in a soft but firm voice with little room for argument or discussion." He also received praised from another monitor for being "very diligent." As "[the monitor] left and the attorneys were packing up and chatting, the judge remained [on the bench] working on his lap top."

Judge Yates received praise for his treatment of jurors, attorneys and others in his courtroom. Monitors found that "his relationship to the jury was respectful" and he was "understanding of their time and their needs." One monitor pointed out an example of Judge Yates' "awareness of the needs of a jury." This monitor reported, "He allowed the jury to take a coffee break because summations were going to run into lunch hour and his charge was to come after [the summations] without time for a lunch break." Monitors also noted that he was "polite" and "reasonable" in his dealings with attorneys. One recounted a particular case, during which, "He was very patient with [an] attorney whose questions were not often clear and [who] was inarticulate and long-winded." Another praised, Judge Yates "listened carefully to the lawyers" and "made his rulings firmly, without animus or bias." Yet another found that he "exhibited a supportive, encouraging attitude toward probationers."

Professionalism

Monitors described Judge Yates as “efficient” and “very professional.” Another praised, “Judge Yates runs an efficient and orderly court with what seems a minimum amount of fuss.”

Other Comments

Monitors also reported that Judge Yates was “an active participant,” who “delivered [his rulings] without hesitation” and “was very clear in his directions” to a jury.

Hon. Ronald Zweibel

Judge Zweibel sits in the Supreme Court, Criminal Term by designation. He was first appointed to the Supreme Court in 1987.

Demeanor

Monitors found that Judge Zweibel “treated everyone fairly,” and “listen[ed] intently and took notes.”

Monitors were generally impressed by Judge Zweibel’s courtroom performance. One monitor remarked, “I liked the way that this judge treated [everyone] in the courtroom. He was understanding, kind, and it seemed like he knew the whole courtroom for years (including the jurors).” This monitor also noted, “It seemed [that] he treated [jurors] extra special.” Another monitor explained, “What I really liked about the judge was that after he read the instructions [to the jury] he went back and rephrased some terms. He even asked the jury if they understood and he [offered to] go back and answer some of the jurors’ questions.” Yet another observer praised Judge Zweibel for ruling on objections “quickly and with confidence.”

Professionalism

One monitor recounted an incident involving a sleeping juror where the judge showed a great deal of “tact.” According to the monitor, “One of the jurors, an elderly man, was noticeably sleeping. The judge sent the 13 other jurors out before questioning the erring juror about whether he had heard all the testimony. The judge displayed great tact and understanding in gently questioning the man to determine if he was a fit juror.”

Command of Courtroom

Several monitors agreed that Judge Zweibel “had total control of the courtroom.”

Audibility

Monitors generally found that Judge Zweibel was audible. One monitor noted, “Even though he had laryngitis, he spoke clearly and loudly.”

IV. ATTORNEYS

During the course of the project, monitors observed a variety of attorneys at work in the Supreme Court, Criminal Term, including court-appointed attorneys, assistant district attorneys, Legal Aid Society attorneys, and attorneys in private practice. Overall, the attorneys were praised for their efforts to provide proper representation under somewhat difficult circumstances. However, some attorneys, particularly in the arraignments parts, were sometimes inadequately prepared or absent, resulting in lengthy delays or adjournments.

General Assessment of Attorneys

Overall, attorneys received praise for their performance in the Criminal Term. The monitors found that the attorneys were “competent,” “polite,” and even “funny at times.” The monitors also noted that attorneys seemed “well-prepared” and “not inclined to waste time.” One monitor remarked, “For the most part, ADAs and defense attorneys appeared to be prepared and engaged.” Another monitor who observed a murder case commented, “It is fascinating how seriously the 18-b attorneys work at these cases. They are prepared, intensely involved and seemed to very professional. The ADA was also deeply involved and has obviously prepared himself well.” In another case, one monitor described the defense attorney as “amazing,” and noted, “The defense attorney worked very hard with a case [that] was to say the least a difficult one to defend.”

The student monitors were impressed by how attorneys treated litigants. They described attorneys as generally “cordial” and “respectful” in their dealings with litigants, noting that the attorneys’ “behavior towards the witnesses and jurors was very professional.” One monitor praised, “I was pleasantly surprised [that] the attorneys treated their clients with respect and dignity [and] were nice and polite. It was really nice to see.” Another monitor described a defense attorney from Legal Aid as “nice” and “patient” with a defendant who could not speak English.

Monitors were particularly impressed by the attorneys’ “competent” and sometimes “lively” presentations of their cases. One monitor described, an “ADA was experienced and well prepared with exhibits (photos, diagrams, surveillance tapes). Questioning of the witnesses was meticulous.” Another monitor found that “the defense attorneys were dramatic and decisive. They moved around holding the attention of the jury.” During another case, a monitor noted, “The defense attorney cleverly established rapport [with the jurors] by making his opening statement not at the lectern but at the jury box.” However, one monitor described a ADA’s “presentation [as] rather dull . . . especially since he read much of it from his notes.”

Several attorneys received praise for their “calm” demeanor in the courtroom. One monitor observed, the ADA “was exasperated with the judge during the session. However, he kept calm as possible and maintained [his] dignity throughout the afternoon.” During another proceeding, a monitor reported, “The prosecutor was visibly angry with the judge . . . however, any feelings about the judge were contained.”

Monitors also praised attorneys' treatment of prospective jurors. One commented, "The thing that I liked about both attorneys was that if a [prospective] juror did not understand or had questions, the attorneys answered them with a lot of patience or professionalism." Another noted, attorneys "showed patience with the jurors while questioning them. The attorneys used language that was simple enough for everyone to understand."

Monitors also found that they were generally "efficient in their use of the court's time" including, "questioning potential jurors very thoroughly but quickly." However one monitor observed, an ADA who "delay[ed] the proceedings by 15 minutes [because] he was trying to reach a police officer to come into testify." Another observer felt that an ADA delayed the proceedings because "the Judge called the [ADA] up to the bench for about five times in 20 minutes in regards to her line of questioning."

The student monitors were particularly critical of attorneys who appeared inadequately prepared, overworked, or in some cases, disinterested. One monitor exasperatedly remarked, "Unfortunately, the prosecution was unprepared but the judge granted them one more extension" Another monitor reported, "I observed an [attorney] from Legal Aid and she appeared to be ill-prepared ... and overworked." Another monitor had a similar experience while observing an ADA who "appeared to be overworked and seemed to have gone a long time without sleep." During one trial, another monitor felt that the defense attorney "seemed not be interested in what was going on."

Monitors also were critical of some attorneys who appeared inarticulate during the proceedings. For instance, one monitor observed a proceeding during which the defense attorney "didn't speak loudly or clearly, and was not very articulate. [He] had to riffle through his documents a lot to locate what he wanted to question the witness about." Another monitor observed an ADA who "was not articulate and seemed relatively inexperienced." This monitor added, "He couldn't be heard at all and witnesses had trouble understanding his questions."

Several monitors also observed attorneys who were argumentative during the proceedings. One monitor observed an ADA who "was extremely belligerent." The monitor attributed this to "leftover" animosity from a prior trial. Another monitor observed, "The attorneys were argumentative [with] each seemingly set on having the 'last word.' This kept the jury waiting, slowed the trial, and irritated the judge."

Arraignment Parts

In evaluating the attorneys, the student monitors made numerous comments regarding those appearing in the busy arraignment parts. Monitors noted that there were "a lot of attorneys" (sometimes as many as 20-30 attorneys a court session), many of whom "were walking around in and out of the courtroom and talking while court was in session." Another monitor observed, "There were only 2 ADAs. It is mind boggling to think of their caseload. The Judge seemed to be unfailingly polite with the lawyers . . . seeming to understand their caseloads, the Legal Aid attorneys and the 18-b attorneys also have caseloads that were unbelievable." As

one monitor observed, “the attorneys were always on the move. Some of them were running from one courtroom to another. I observed one defense lawyer [who] ran into the courtroom, found the defendant and pled his case then ran right back out.”

Other monitors noted that the arraignment parts were beset with delays and adjournments. One monitor found that the “ADAs seemed well organized. Files were arranged for easy access.” However, the monitor added that sometimes the prosecution “was not ready to proceed to trial.” Another observer noted, “Defense attorneys were absent in 5 of 49 cases called.” One monitor who observed 69 arraignments during one session felt that “generally the lawyers did not know their clients.”

Several monitors were distressed that it appeared that “many of the defense attorneys represented more than one defendant and had little in-court contact with their clients.” One monitor felt that the attorneys in the arraignment part seemed to have “no respect for the judge.” This monitor observed attorneys “speaking to their clients while the judge was trying to perform his duties,” “walking in and out” courtroom which added to the high noise level in the part. Yet one monitor concluded that although “there were more lawyers than a 7-Eleven” in the arraignments parts that “all the lawyers were decent, professional, [and] well spoken.”

Several monitors were troubled that it appeared that “many of the defense attorneys represented more than one defendant and had little in-court contact with their clients” in the arraignment parts. One monitor felt that the attorneys in the arraignment part seemed to have “no respect for the judge.” This monitor observed attorneys “speaking to their clients while the judge was trying to perform his duties,” “walking in and out” courtroom which added to the high noise level in the part. Yet one monitor concluded that although “there were more lawyers than a 7-11” in the arraignments parts yet “all the lawyers were decent, professional, [and] well spoken.”

Audibility

The student monitors generally found that attorneys were “audible.” One monitor found that “even though they did not have microphones” that they spoke “very clearly.” Another noted that the defense attorney “spoke with great clarity . . . he sounded like one of the actors on television.”

V. NON-JUDICIAL COURT PERSONNEL

Non-judicial court personnel have a significant impact on the public's perception of the courts. Generally, monitors found that the court personnel were "professional," "polite," and "helpful." One monitor described the staff as "alert, efficient, and professional." One student monitor stated, "All the court personnel that I interacted with showed a high degree of professionalism with their dealings with [the monitors] and other visitors."

Court officers

Uniformed court officers are responsible for the providing security in the courthouse including the courtrooms. They also assist with clerical duties.

Monitors reported that the court officers were usually "courteous" and "helpful." One monitor observed, "Court officers were willing and ready to help those people coming into the courtroom." Another monitor found that "one female court officer was especially helpful [to] attorneys and defendants. [She was] always polite and ready to explain anything." Other monitors noted how "well" the court officers appeared to treat the jury. For instance, one monitor observed, "[A] one court officer [bring] water to a prospective juror who needed to take her medication."

The student monitors from John Jay College found the court officers to be especially accommodating and "informative." One student monitor praised, "Court officer[s] were very polite and helpful with my inquiries, and appeared very efficient in their duties." Another student reported, "One of the court officers took a moment to explain the particulars of the trial and also why defendants were not present." Another student also found that "they were very helpful even providing me with the schedule of arraignments." However, one monitor reported that "He asked one of the court officers a question, and he gave me a look as if I was annoying him." Another monitor also felt "some were annoyed by simple questions."

Monitors were divided on how well the court officer maintained quiet in the courtroom. Several monitors felt that "the court officers were not trying to keep the courtroom quiet." One monitor observed, "The court officers were not trying to keep the courtroom quiet [except] when the judge made a comment." Several monitors felt that the court officers, in some cases, actually contributed to the noise level in the courtroom. One monitor noted, "The court officers were having their own conversations while the case was on." Another suggested, "The court officers should not be allowed to carry on a conversation of their own while the case is going on." Some monitors, however, did observe court officers attempting to keep the courtroom quiet during proceedings. One monitor observed "two officers shush two people who had arrived and [started] talking in the last row."

Some monitors felt that a few court officers appeared unprofessional while conducting their duties. One monitor noted, "One court officer who handed exhibits to the witness – chewed gum incessantly." Another felt, "The hair of one of the court officers was so wild, unruly and

long as to look inappropriate . . . the dignity of the court is impaired by even little things like this."

Court Interpreters

Foreign-language and American Sign Language interpreters are often utilized to translate court proceedings. The court provides interpreters for litigants who have difficulty with English. Spanish interpreters are usually available daily in the Criminal Term. The court may order interpreters of many other languages, including sign language for the hearing-impaired.

Monitors generally were impressed by the performance of interpreters in the Criminal Term. One monitor described an interpreter as "very good," and added that the interpreter "seemed to be very experienced." Another monitor had similar praise for another interpreter: "I can only praise this interpreter's professionalism and expertise."

Monitors also reported that interpreters generally were available when needed. One monitor observed, "An interpreter came promptly without causing delays to assist the witness." On other occasions, monitors noted, a "Spanish interpreter was available in the courtroom." and "a Spanish interpreter was needed for the bench trial and was present even before the defendant was brought in." During another proceeding, a monitor reported, "An interpreter was called at the defense's request and was present in 5 minutes." However, one monitor observed a case which "had to be called twice because the interpreter was not available."

However, one monitor noted that during a voir dire, "the translator was using a microphone which was connected to the defendant's ear piece. This allowed him [the defendant] to hear all that was going on without the need to interrupt the flow of the questioning." This monitor felt this was "an improvement over many other uses I've seen of translators."

VI. JURORS

Despite frequent plea agreements and dismissals in the Criminal Term, monitors had an opportunity to observe many jury selections and trials. During these observations, monitors found that judges and other court personnel treated jurors “courteously.”

However many felt that the facilities often did not meet the jurors’ needs. One monitor observed “During a recess [in 111 Centre Street] all those people [prospective jurors] milled around the corridor. Only a few found seats on a distant bench (and some sat on the floor).” Another monitor noticed, before the start of an afternoon session, that the jurors were waiting in the hallway for one hour and “looked worn out and hot.” One monitor declared, “There should be a room assigned to jurors with plenty of chairs and a table so they don’t have to hang out in the hall while waiting for a session to begin, or during a recess.”

Several monitors felt that, at times, the jurors’ time was used inefficiently. In response to the question how well was the jurors’ time used during the session, one monitor replied, “Not well!” The monitor noted, during one court session, “The jury entered [the courtroom] at 10:55 AM and left the morning session at 12:30 PM [and] 35 minutes [of the short session] was spent recessed.” Another felt that the juror’s time in the courtroom was used “poorly” because they were out of the courtroom for over an hour “hanging out in the corridor.” However, other monitors felt that “their time was well used” because “the proceedings went pretty quickly” or “moved along steadily.”

Monitors had divergent opinions on how alert jurors were during the proceedings. Some monitors reported that jurors seemed “alert” throughout the proceedings. However, several monitors observed jurors who “dozed off during testimony” or appeared otherwise inalert during the proceedings. One monitor reported that the jury was alert except for “one member who perceptibly dozed from time to time. One juror spoke to the judge about this after [the] second day. The judge thanked the reporting juror and said that he too had noted the behavior. After the jury retired for deliberation, the judge raised the issue with both attorneys and recommended replacement [of the sleeping juror] by the one alternate. The attorneys agreed [and] the judge called in the sleepy juror, thanked him and indicated [that] there would no penalty but he was concerned that the juror might have missed important testimony.”

Monitors found that some judges made an effort to ensure that the jury remained alert and other judges did not. One observer commented, “I think that the judge was trying hard to keep everyone focused for what will be a very long trial.” While observing another jury trial, a monitor noted, “Most [of the jurors] were sleeping due to the heat” and judge did not make an effort to ensure their alertness. Yet another monitor observed, “The jury was lethargic...as the defense attorney repeatedly questioned the witness. It was clear the jury had heard the material so many times [they] were no longer paying attention.” This monitor felt that the judge “could have reminded the jury to try harder to pay attention.”

VII. OPERATIONS

Delays and Adjournments

Monitors found that delays and adjournments were a common and frustrating occurrence in the Supreme Court, Criminal Term. One monitor exclaimed, after watching several delayed proceedings, "Speed it all up!" Another monitor observed a court session in which three cases were scheduled but only one case was heard by the judge. Only one case because in one matter one attorneys did not show up and in the second case, both attorneys and the defendant were not present. The monitor felt this was a "waste of time." A monitor who observed proceedings that began at 10:15 AM remarked, "the court should try and start early; the lawyers and all other concerned parties should make an effort to get things started on time" particularly when a jury is involved.

The cause of the delays and adjournments was often late or absent attorneys or defendants. One monitor remarked, "It is really hard to recommend anything to improve the calendar day . . . It depends [on if] the attorneys are there or [if] the clients are there." However, another monitor suggested that delays could be minimized if "all participants in court proceedings should be urged to show up on time."

Lack of preparation by attorneys was another cause of delays. One monitor observed, "It's a waste of the jury's time and it delays the process [if] every 15 minutes an attorney has to take time out to read and make copies of documents." This monitor also observed proceedings being delayed by malfunctioning equipment and suggested, "The equipment that the stenographer uses should be up-to-date or have a backup in case it doesn't work. This also delays the court proceedings."

Other delays were the result of support agencies such as the Department of Corrections or the Probation Department. One monitor observed, "The hearing started late since the defendant seemed to be lost on the way from Rikers." Another monitor observed a delay in the proceedings while the judge awaited a probation report: "I understand that sometimes there are instances where an emergency occurs and there is a delay. But, in this case they knew a probation report was needed for sentencing. Why wasn't it done on time?"

Monitors were particularly disturbed by delays resulting from late jurors. Sometimes, monitors observed jurors who were as much as an hour late. One monitor pointed out, "The lateness of jurors in reporting for jury service means nothing can be done. These delays mean inefficiency, additional expense, and scheduling problems all along the line." This monitor continued, "Somehow some jurors don't realize the seriousness of their ongoing commitment once they have been sworn [in]. This problem is costly [leading to] delays and [hampering] court efficiency." Another monitor suggested that better compensating jurors would make jurors more "willing" to serve.

At other times, the reasons for delay and adjournments were vague. One monitor observed a case that adjourned "early" because judge needed to attend to "other pressing matters."

Audibility of the Proceedings

Audibility of the proceedings was a constant problem for the monitors especially the student monitors. Monitors attributed the inaudibility of proceedings to some "soft spoken" judges, lawyers and witnesses, and to many distracting noises in the courtrooms including ringing telephones, creaky doors, extraneous conversations in and outside of the courtroom and court personnel and lawyers walking around during the proceedings.

Monitors had a plethora of solutions to the inaudibility problem such as "microphones for everybody" because "sometimes it is really hard to hear what attorneys and judges and defendants are saying." They also suggested discouraging the practice of court personnel and lawyers "walking around during the court session." One monitor suggested, "If it is a priority to enable spectators to hear proceedings then [courtrooms] need to be equipped with sound amplification systems." Another monitor agreed that it was important to have microphones for amplification purposes present but emphasized that microphones must be "in use" for proceedings to be audible. As one monitor succinctly put it, "The use of microphones would be a great improvement to make proceedings fully public." One monitor had a simple solution to noise problem: "It seems to me that a large sign could be on a stand outside the courtroom noting, 'Court in session. Quiet, Please.' Simple cheap and very possibly effective."

Technology & Equipment Upgrades

The student monitors from John Jay College were acutely aware of the technology deficiencies in the Supreme Court, Criminal Term. As one monitor put it, "there was not much technology." The student monitors suggested, "The addition of computers will speed up proceedings" and "might lessen the piles of paper." One monitor declared, "The judge [could] eliminate some of his paperwork if he had them on file on a computer." Another suggested that the "availability of computers at key areas of the courtroom would speed up things considerably. It seems to me that it would be easier to carry floppy disks than the humongous file folders the attorneys had to deal with."

Other student monitors recommended new or better-maintained office equipment. One monitor exasperatedly remarked, "The only thing that I see need improvement is the copy machine. You don't wait until someone needs to make 50 pages of copies to fix the machine. It's a waste of everyone's time." Another monitor suggested, "The equipment that the stenographer uses should be up to date or have a back-up [available] in case it doesn't work."

Public Information

Several monitors were disturbed by the lack of information available to the public. One exasperated monitor reported, "The part was moved and there was no information posted. I had to ask twice to finally get the floor and room right." One monitor noticed, "There was a colorful sign on every floor" indication there was a Child Care Center in 100 Centre Street.

VII. FACILITIES

The Supreme Court, Criminal Term is housed in two separate buildings at 100 Centre, which was built by New York City's Public Works Administration in 1941, and 111 Centre Street, which dates back to 1960. During this monitoring project, approximately 40 courtrooms operated in these two buildings. The 100 Centre Street facility had 18 court parts and shared the building with the Manhattan Criminal Court, the Office of the District Attorney and other agencies. The facility at 111 Centre Street had 22 court parts and shared the building with the Civil Court including the Housing Part.

100 Centre Street

Monitors felt that 100 Centre Street needed a variety of improvements. One monitor found, "The courthouse was not so clean, the floors were very dusty and dirty and need to be mopped. The benches had chewing gum on them as well as writing." One monitor also noted a series of improvements needed by 100 Centre facility: "The court needs to add some more pay phones, some water fountains, more vending machines, put locks on the bathroom doors, and add a changing table in the bathrooms to accommodate people who have babies." Other monitors noted, "In the hallways, just outside the courtroom, there is a need for more lighting," the building "lacks Braille signage," and many of the building's "exterior walls and sculptures were covered in bird feces." Several monitors also pointed out, "There were no decent places for jurors to wait" leading them to "hangout in the corridors."

The monitors were especially critical of the elevators in 100 Centre Street. They repeatedly described the condition of the elevators as "poor." One monitor observed, "The elevators are wildly overcrowded and few of them work." Another reported, the elevators are a daily problem: slow, malfunctioning even possibly dangerous [and] crowded. They really need to be upgraded or entirely replaced." Yet another monitor noted that elevator problems made the building less accessible for disabled persons. This monitor "noticed that a few of the elevators do not come flush with the floor after the doors open. This could be a problem for people with walking disabilities or wheelchairs." Several monitors also noted that signs in the elevator areas needed to be "fixed."

Generally, monitors described courtrooms in 100 Centre Street as "reasonably clean" and "well-lit." Monitors described "the standard" courtroom in 100 Centre Street as "large" with "high ceilings." However, several monitors observed courtrooms that appeared recently renovated that were "small" but "very clean" and "well-lit." One monitor noted that one of these courtrooms "looked like a large office; it did not resemble a courtroom."

However, monitors found that the condition of the courtrooms in 100 Centre Street varied. A monitor described one courtroom as a "large gray room [with] poor lighting [and] bad acoustics." The monitor felt that "this courtroom should be redone" because it was "not public friendly." Another monitor sat through proceedings in a courtroom in which "water damage had removed whole patches of plaster from the wall near the window." Several observers felt that

new benches were in some courtroom needed because they were “in terrible shape” or “very uncomfortable.”

Monitors frequently reported that the restrooms in 100 Centre Street were in need of cleaning and repairs. The restrooms were described as “unkempt” and “dilapidated” or that they need to be “sanitized and cleaner.” One remarked, “Locks on the stall doors would be greatly appreciated.” In addition to the lack of the locks on stall doors, monitors noted toilets that were out of order and restrooms without paper towels. Several monitors were concerned that the sink in one restroom was “leaking.” One monitor also noted that “the hot water faucet [could] not be turned off completely [in one bathroom sink] thus wasting water.” However, some monitors did notice “clean” bathrooms, but this was usually immediately after a scheduled cleaning.

111 Centre Street

Monitors generally found that the facilities at 111 Centre Street were in better condition than those at 100 Centre Street. One monitor observed, the building was “very clean. The floors were clean. The restrooms were also clean.” In fact, one monitor noted, “There was a big sign [on the] bathroom wall [stating] ‘if you observe any unclean conditions report it to the Department of City Administration Service.’” Another monitor found that there were “plenty of benches [on] hand for jurors to sit” so there was “no one lounging around in hallways.”

Monitors noted the lack of signs in public areas of the courtroom and recommended that additional signs should be posted. One monitor noticed that “there [were] no clearly visible numbers on any of the floors as seen in most office buildings.” The monitor felt that this was “odd because it is not easy to read the number inside the elevator, particularly when it is crowded.” Another monitor agreed that the signs on each floor were “inadequate,” noting that on floor 9 that there were “No signs directing you to the numbered rooms” and on floor 7 that the signs had “incomplete information.” Another monitor suggested, “Signs should be posted outside the courtrooms” which clearly indicate the room number of the courtroom and other information such as which judge was presiding in that courtroom.

Monitors noted that the elevators in 111 Centre Street were in better condition than those in 100 Centre Street. One monitor observed, “The elevators are slow – unavailable but not as bad as at 100” Centre Street. Nonetheless, the elevators in 111 Centre Street were problematic as well. One monitor commented, “There were elevators but I don’t know how a disabled person would be able to get on with all the pushing that goes on.”

In regard to the conditions of the courtrooms, monitors generally reported that the courtrooms were “clean” and “adequate” in size. One monitor described a courtroom in 111 Centre as “as cleaner than any in 100 Centre Street.” Others noted the cleanliness of the floors and hallways. However, monitors did observe some courtrooms that were in need of repair. One monitor observed proceedings in a courtroom in which “the doors and chairs need to be oiled [because] they creaked a lot.” Another observer sat in a courtroom that “needed to be repainted [due to] peeling paint [and] dirty fingerprints on the walls.” Yet another monitor noted that the “benches were in terrible shape. They had graffiti all over them” in one courtroom.

The most distinguishing feature of many of the courtrooms in 111 Centre Street was the lack of windows. Monitors repeatedly recommended that the windowless courtrooms needed “better lighting.” For instance, one monitor stated that “[due to] the interior location of the courtroom, windows are not possible, but more light would enhance the facility.” One monitor remarked, “The major problem with the facilities is the design of 111 Centre, [with] many courtrooms in the interior of the building . . .the courtrooms have a tomblike feel.”

Several monitors felt that the temperature in the courtroom needed to be better controlled. One monitor remarked, “The courtroom was a bit cool.” This monitor felt that “if possible, the temperature could be better regulated.” Another found that “the courtroom was a bit warm. There are no windows and there does not appear to be a ventilation system.”

VIII. RECOMMENDATIONS

1. **The City of New York should allocate additional resources for criminal legal services and the New York County District Attorney's Office. In addition, the New York Legislature should pass legislation increasing compensation for assigned counsel.**

Monitors observed assistant district attorneys, Legal Aid Society attorneys, and other assigned counsel who appeared overextended and ill prepared. These attorneys were forced to cope with enormous caseloads in the face of inadequate funding and resources which often lead to delays and adjournments. In order to ensure indigent defendants receive adequate legal representation and to ensure that cases are handled in an efficient and timely manner, monitors urge the City of New York and New York State to increase funding to the Legal Aid Society and to the New York County District Attorney's Office. As part of the efforts to ensure adequate representation for indigent defendants, monitors urge an increase in the rates paid to court-appointed attorneys from the current rate of \$40 per hour for in-court work, and only \$25 per hour for out-of-court work.

2. **The City of New York should improve housekeeping and maintenance of the court facilities.**

The monitors were dismayed by the condition of some of the court's facilities, particularly the restrooms and elevators, which were in deplorable condition. The broken, noisy benches, dirty walls, and water damaged, leaky ceilings diminish the dignity of the court, and inconvenience those who must use it. The monitors urge the City of New York to provide adequate resources and staffing to maintain the facilities in a clean and functional condition.

3. **The Office of Court Administration should take steps to make the courthouses more accessible to the public.**

Monitors repeatedly reported being unable to locate courtrooms and other public areas in both 100 and 111 Centre Street due to poor signage. Court officers and other personnel frequently were unavailable for assistance in the waiting rooms and other public areas or, if they were available, they were sometimes unhelpful. As a result, the monitors urge court administrators to provide adequate multi-lingual signage in the courthouses and take efforts to ensure that court personnel are helpful and polite to the public.

4. **The Office of Court Administration should assess the technology needs of the Criminal Term to increase the court's efficiency.**

The student monitors from John Jay College were acutely aware of the technology deficiencies in the courtroom. The monitors felt that "the addition of computers will

speed up proceedings" and "might lessen the piles of paper." Therefore, the monitors urge OCA to evaluate the court's current and future needs and upgrade the technology to meet these needs.

5. The agencies that serve the Supreme Court, Criminal Term should improve staffing and productivity.

Monitors observed proceedings that were delayed or adjourned because agency representatives had failed to file a requisite report or because a detained litigant did not arrive at the courthouse promptly. Monitors urge that the City provide adequate resources to the agencies that serve the Supreme Court, Criminal Term and that the agencies institute and enforce measures to ensure that they efficiently perform their services.

6. Judges should consider imposing fines or other admonitions on late or absent attorneys and defendants to curtail the delays and adjournments in court.

Monitors found that delays and adjournments were a common and frustrating occurrence in the Supreme Court. The cause of these delays and adjournments were often late or absent attorneys or defendants. Monitors urge the judges to admonish attorneys or defendants who are chronically late or absent, and consider financial or other sanctions for repeat offenders.

7. Judges and other participants should take steps to ensure the public hears all proceedings.

Monitors found that it is often difficult for the public to hear the proceedings. Members of the audience frequently include victims, relatives and friends of defendants, and litigants in other cases who are waiting their turn. Each of these has a particular interest in understanding what occurs in the proceedings. Monitors urged that judges speak audibly and clearly and use microphones for amplification purposes at all times; they also urged that microphones be provided for lawyers and witnesses, and that judges encourage all participants to use them. They also urge the judge to discourage those including court personnel and attorneys in the courtroom from talking and making other noises during the proceedings.

8. The New York State Legislature should pass Chief Judge Kaye's Court restructuring plan.

Beginning in 1997, New York State Chief Judge Judith S. Kaye has each year presented to the State Legislature a proposed constitutional amendment to restructure the state's court system. The proposed amendment would reduce the number of trial courts from the current nine (which often have overlapping jurisdiction) to a total of three. Currently, there are state constitutional limits on the number of Supreme Court Justices. Under Judge Kaye's restructuring plan, the current limit of one Supreme Court Justice per 50,000 residents would be eliminated.

To address the overwhelming caseloads that result in some counties as a result of these limitations, the Office of Court Administration makes temporary judicial assignments to provide judges to those courts that most need them, such as the Supreme Court, Criminal Term in New York County. As evidenced in this report, these “temporary” judicial assignments can last 10, 15 or even 20 years. In addition, these assignments are commonplace. In fact, in January 2001, the judicial staff of the Supreme Court, Criminal Term consisted of only 5 Justices, 9 Court of Claim Judges, and 26 Acting Justices.

This system often increases backlogs in the “donor” courts, such as the New York City Criminal Court, and impairs the effective operation of both courts. Reducing the number of trial courts and the constitutional limits associated with the current system would abolish this cumbersome approach, enhance the efficiency of case processing, and reduce caseload backlogs.

As is the case with all proposed amendments to the State Constitution, the Kaye plan must be passed by two consecutive State Legislatures and signed by the Governor. It then must be ratified by the voters in a state-wide referendum.

In the meantime, the Office of Court Administration and the New York State Legislature should ensure that there are sufficient judges and staff in the Supreme Court, Criminal Term to handle existing backlogs and the court’s future caseload in a prompt and efficient manner.

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