

# NEW YORK STATE *Jury Pool* NEWS

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Unified Court System to inform jurors  
of the latest developments in jury reform  
and other court initiatives

SPRING 1998

## BETTER FACILITIES ON THE RISE

When the newly constructed Queens Civil Court opened for business last February, the project was declared on time and under budget. And as New York City Mayor Rudolph Giuliani told attendees at the court's ribbon-cutting ceremony, "That is a rare achievement in this town."

While city and court officials were taking note of the remarkable fiscal accomplishment, the American Institute of Architects (AIA) Committee on Architecture for Justice was giving recognition to the aesthetics of the building. Last March, in an exhibition sponsored by the Committee, the Queens court shared the spotlight for best design with 16 courthouses—eight of them New York State court projects just completed or nearing completion. "New York is at the forefront of court building design for densely populated areas, and it is certainly on the leading edge of courtroom design," says Frank Greene, a member of the AIA Committee.

The Queens Civil Court is New York City's fourth court expansion project undertaken in less than four years. It follows the completion of two



other major projects: the opening of the Bronx Housing Court last November and the construction of an annex to the Queens Criminal Court in 1995. Beginning this year, the City has embarked on a project to provide additional courtrooms and offices for the Staten Island Supreme Court by converting space at a vacant naval facility and a building formerly occupied by the College of Staten Island.

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*Photos: Queens Civil Court*

*Top: Natural light streaming through the large windows enhances the open-air feel of the atrium-like corridors.*

*Left: The jury assembly room seats about 300 and adjoins a designated juror lounge with amenities such as pay phones and vending machines for snacks.*

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Court expansion and improvement projects are also taking place in other counties and cities across the state. A new Family Court in Poughkeepsie opened in November and like the Queens Civil Court was on time and under budget. New court complexes for Putnam and Rockland Counties are in the design phase, and improvement projects are planned for courts in Broome, Monroe, Oneida, Allegany, Wyoming, Erie and Westchester Counties.

istration and the failure of some local officials to appreciate how overcrowded the Family Court was. "It was tough to get everyone to commit to the idea and to stick to the plan," says Rampe. "We had to keep reminding them how enormous the explosion in the courts has been."

Head of Court Operations for the Unified Court System Nicholas Capra, who negotiated to get several court facilities projects off the ground, knows how difficult it can be to gain the

new arrangement, allocating all major court-related expenses such as employee payroll and operational costs to the newly formed state court system, while leaving localities only in charge of court facilities. According to Capra, it was assumed that with the State shouldering the lion's share of the court budget, local governments would have more to spend on improving and maintaining facilities. But a review taken in 1986 showed some localities were shirking their



*Architect's rendering of the Queens Civil Court shared the spotlight at a recent exhibition of courthouse designs.*

In Orange County, a ten-year wait for a new courthouse in the city of Goshen will come to an end sometime this year. The new building will have 13 courtrooms for Family and Criminal Courts, judges' chambers and a jury assembly room, as well as additional space for local government offices. Orange County Executive Joe Rampe says that the long wait for the courthouse was due to a host of problems. Besides numerous plan revisions, delays stemmed from a change in admin-

commitment of local officials. "The problem is, some local governments want to put every local situation ahead of courthouse needs," says Capra.

Yet the responsibility to maintain and provide courthouses is not a new one for local governments. Before 1977, when the Legislature passed the Unified Court Budget Act creating a single statewide court system, cities and counties in New York established and operated their own courts. But the Act led to a

responsibility, even when courthouses were in serious disrepair. To address the problem, in 1987 the State Legislature passed the Court Facilities Act, giving the court system some control over the supervision of facilities and the right to request improvement plans from localities that neglect their duties. Local governments that fail to follow through on their plans could risk having state aid withheld indefinitely unless they take action.

Just how effective the Act has been is illustrated by the number of construction and renovation projects undertaken in the last decade. Many of the 119 localities asked to submit plans in 1987 have completed more than half of the projects they originally proposed. To date, 33 counties and 50 cities have either built new court facilities or substantially renovated existing buildings. And ongoing dialogue between the court system and local governments is keeping construction delays to a minimum. To push projects along, the court system has offered incentives in the form of subsidies and, in cases like the Queens Civil Court, helped bring projects to completion by working with localities to find financing. A key player in funding projects is the Dormitory Authority, a state-run construction agency. Since 1993, the agency periodically has issued bonds to finance expansion and renovation projects across the

state. It has participated in all major projects in New York City and is currently working with Westchester County to provide additional space for Criminal, Family and Supreme Courts.

The recent initiatives undertaken by the court system are focused on both meeting future needs for court-related space and on preventing the rampant neglect seen in the past. Quarterly reports provided by court-appointed review committees have been pivotal in monitoring the physical condition of courthouses. And as of April of this year, new legislation took effect under which the court system gradually will assume, over a four-year period, complete fiscal responsibility for minor repairs and day-to-day maintenance of court facilities—a move made to ensure that users of the courts are provided with a clean and safe environment at all times. ♦

## M • A • I • L • B • O • X

*This letter was sent to Judge John LaCava of the Westchester County Court, following one of his daily addresses to new jurors reporting for service at the courthouse.*

Dear Judge LaCava:

As a prospective juror, I listened to your opening address for new jurors on Monday, January 26th. I want to both thank you and congratulate you on your lesson in civics and citizen responsibility. As you pointed out, nothing comes free. We ignore our responsibilities and duties under the U.S. Constitution at our peril. For many Americans—especially the younger generation—the lessons of communism, fascism and Nazism are no longer real.

On the other hand, the civics lesson that bombards our citizens every day is that Americans have rights. Recently, have you seen the media and educational

institutions emphasize that equal with rights, Americans also have responsibilities? I have not, and that is why I found your talk so refreshing. I believe one additional piece of literature should be handed out to new jurors—a copy of the U.S. Constitution. Many have never read it, and some have never heard of it. Again, thanks for your excellent comments concerning the Constitution and juror responsibilities.

Sincerely,  
Martin Swanson

*If you would like to let us know about your jury experience or have comments or suggestions about the jury system, you can write to:*

*Continuing Jury Reform  
Office of the Chief Administrative Judge  
25 Beaver Street  
New York, NY 10004*

## SPEEDING FOSTER CARE ADOPTIONS

Perhaps the timing wasn't the best, but Delia\* was nonetheless relieved when two police officers turned up one night in March 1993 to give her custody of her three grandchildren. "I didn't want the children to go to a foster parent, and I know they didn't want to be separated from each other. I was prepared to do whatever was necessary to keep them," says the 56-year-old grandmother who was then recovering from surgery and had just given up her teaching job due to failing health.

Delia had often thought of rescuing the children from their abusive parents but feared the father's retaliation. Now five years since that ominous March night, with help from some progressive initiatives introduced by the New York City Family Court, she has changed her status from foster parent to adoptive parent, providing a brighter, more secure future for her young charges: Kenny, 16, who wants to become a computer programmer and is currently college shopping; Carmen, 14, who aspires toward a career in video production; and Tony, a precocious 11-year-old. "The adoption made a lot of difference in our lives," says Delia. "The children feel safer and so do I, knowing that I can now protect them from their parents."

On June 4, 1997, Delia's petition was finalized in the midst of an intensive three-month drive by the New York City Family Court to complete 2,100

adoptions for children in foster care—more than twice the number usually handled at that time of the year. Dubbed "Adoption 2100," the program ran from April to June, typically the peak season for finalizing foster care adoptions in New York City. Under normal circumstances, says Delia's attorney Laurie Braun, a case like her client's could take an average of six to nine months to complete. Instead, four months after filing the petition, Braun was in court with the family to finalize the adoptions. For the duration of the program, Braun tripled her monthly caseload average, completing a total of more than 200 cases.

New York City Family Court Administrative Judge Michael Gage, who oversaw the accelerated foster care adoption project, says the court originally intended to have 1,700 children placed with their adoptive parents. But at the end of the three-month experiment, more than 2,100 foster care adoptions were completed—an achievement Gage credits to the intense oversight given to the caseload by the court, as well as foster care agencies and services. To complete the project, a corps of 31 judges worked closely with a dedicated team of court personnel and specially assigned agency representatives.

Adoption 2100's collaborative and specialized approach to case management paved the way for an extensive overhaul of Family Court. Incorporating a similar process of specialized case treatment, a program initiated last February restructured the New York City Family Court into four separate divisions—Domestic Violence/Custody; Support/Paternity; Juvenile Delinquency/Persons in Need of Supervision; and Child Protective/Permanency Planning. "We clearly wanted to take a new approach—to be more proactive, to make systemic changes," says Frank Argano, First Deputy Clerk for the Family Court. "The Adoption 2100 project gave us a preview of what can be achieved if we were to do these things on a permanent basis."

The new case management system is in stark contrast to the previous approach that required

### WEB LINK

For more information on the new Family Court initiatives, see reports on the Family Justice Program at the Unified Court System's web site:

<http://ucs.ljx.com/ucspub.html>

\* The names of the family have been changed to protect their privacy.

## FAMILY COURT RESTRUCTURED

Handling the over 650,000 new cases statewide that come into the Family Court every year is no simple matter. But court administrators are optimistic that a massive restructuring initiative now being implemented within the New York City Family Court will help judges and staff to process cases in that high volume court more efficiently and more speedily. The restructuring creates four specialized divisions and calls for judges to handle a specific group of cases—a clear departure from the old approach in which a judge could hear up to 20 different types of court proceedings. The following describes the activities of the four divisions:

### Child Protective and Permanency Planning Division

hears child neglect, child abuse, termination of parental rights, foster care and adoption cases.

### Juvenile Delinquency/PINS Division

handles Persons in Need of Supervision (PINS) petitions and other juvenile justice matters.

### Domestic Violence and Custody Division

expedites spousal abuse, child custody, guardianship and visitation cases.

### Support/Paternity Division

hears child and spousal support cases and paternity matters.

judges to hear as many as 20 different types of court proceedings and work on a daily basis with a wide range of litigants, agencies and court personnel. That arrangement often created scheduling conflicts and subsequent adjournments and delays—problems not so widely encountered under the new system, since judges and their staff concentrate on a single group of cases and work more collaboratively with representatives of agencies.

Nowhere is the impact of recent changes more evident than in the Adoption Clerk's Office where all incoming petitions are checked for accuracy and

completeness. The court has implemented a new procedure to bring mistakes to the attention of attorneys filing petitions within five days of receipt. The decision to impose the five-day deadline was reached following studies conducted during Adoption 2100 that found more than 75 percent of the cases filed lacked essential documents.

The Adoption Clerk's Office is benefiting from the installation of a new computer system that helps to process information more quickly and reliably. Clerks can now run daily checks of judges' calendars and generate schedules about a month in advance. This gives the office enough time to notify all key players of conflicts and missing documents well ahead of the hearing date. The upshot is a cutback in the time it takes to appear before a judge for a finalization hearing. Instead of the prior six-month wait, a hearing can now be scheduled approximately two months after the adoption petition is filed.

During Adoption 2100, says Braun, she, like other attorneys, relied heavily on the regular notifications and phone calls of the Adoption Clerk's Office to help meet deadlines. "They informed me of hearing dates, brought to my attention missing documents



*Employees of the Adoption Clerk's Office tackle the daily flood of documents.*

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and even advised me how to get them fast. That level of cooperation really made a difference and was a great motivator for me to do more,” she says. More recently, the court has been sending a checklist to remind attorneys of documents that must be filed with a petition for adoption. The constant monitoring, says Argano, helps to ensure that by the time a hearing date comes up, the case will be fully prepared. But with as many as 25 documents coming from various external agencies and organizations, snags beyond the control of the courts do pop up.

For example, in the first phase of Adoption 2100, some petitions were delayed because adoption subsidy packages had not been approved by the State Department of Social Services (DSS) even though they had been sent out on time by the Administration for Children’s Services (ACS)—the primary New York City agency that brings foster care adoption cases to the court. “DSS has its own backlogs to deal with,” explains ACS Assistant

Commissioner of Adoptions Joseph Carderi, who brokered a compromise with DSS to get the job done within three weeks. At the court, similar negotiations with the New York State Division of Criminal Justice Services reduced turnaround time for fingerprint reports on adoptive parents from weeks to days.

In the near future, the Federal Adoption and Safe Families Act is expected to usher in a new wave of foster care adoptions once it takes effect in New York. Since the Act emphasizes speedier solutions in finding safe and permanent homes for foster care children, it is expected to enlarge foster care adoption caseloads. Carderi anticipates that the additional cases will put a strain on his agency but is counting on the Family Court’s more collaborative process to minimize some of the impact. “We now have everybody on board,” he declares. “All key players are focused on finalization as the goal.”



## JURY UPDATE

**Grand Jury System Undergoes Review:** Studies now being conducted by a 33-member blue-ribbon task force will culminate in a detailed analysis of the grand jury system—flaws and all—to be published later this year. The task force is expected to present recommendations for reform, including feasibility studies on reducing the extensive 11-day average term of grand jury service.

**Lawyer Committee Will Give New Perspective:** Since the 1996 repeal of juror exemptions, hundreds of attorneys called to serve received a unique view of the system that could be important in developing future jury reforms. In April, court administrators called on 17 attorney volunteers—all former jurors—to form the Committee of Lawyers to Enhance the Jury Process, which will look at possible ways to improve the jury system.

**Higher Pay for Jurors:** Starting February 15th of this year, compensation for eligible jurors increased to \$40 per day. This is up from the \$15 daily rate just two years ago and raises the juror compensation rate in New York State courts to that of the federal system.

**Jurors Get a Listening Ear:** A toll-free hotline—1-800-NY-JUROR—has been set up for jurors to ask questions, give feedback or volunteer for service. Callers can speak with a live person during regular office hours or leave a message after hours.

**Term of Service Dramatically Reduced:** Less than five years after jury reforms were initiated, trial jurors in New York are enjoying a 50 percent reduction in the average length of service. The shorter term follows implementation of new juror management techniques and the expansion of jury pools.

## RAISING *the* BAR

*A court-appointed committee's findings indicate that public cynicism toward the legal profession is growing as never before, even though the caliber of New York lawyers remains high. The findings are leading to a number of reforms.*

As one attorney puts it, “If Kermit thinks it’s tough being green, he should try being a lawyer.” From Shakespeare to Seinfeld, lawyers have long been the butt of everyone’s jokes. But within the last few decades, the barbs have escalated and criticisms aimed at the profession have taken on a more serious tone. To New York State court officials who worry that the growing cynicism will undermine public confidence in the courts, the new wave of lawyer bashing is no laughing matter. “People no longer believe that lawyers are part of a helping profession,” explains Chief Judge Judith Kaye. “It is up to us in the legal system to restore their faith.” Within the last five years, Kaye’s administration has worked closely with lawyers, judges and various community groups to come up with a number of corrective steps.

One measure that took effect last January is the Standards of Civility, a code of conduct for lawyers, judges and court employees issued by the state court system. The code grew largely out of a two-year investigation conducted by the Committee on the Profession and the Courts—known in legal circles as the Craco Committee.

In 1995, the 16-member blue-ribbon task force, appointed by Kaye and chaired by attorney Louis Craco, published a report recommending specific reforms—including the new Civility Code—to address public dissatisfaction with the legal profession. The code lists principles of behavior to which all who work in the justice system should aspire. For example, it advises attorneys that they can “disagree without being disagreeable” and discourages extreme hardball tactics that prolong litigation or increase legal expenses.

According to Craco, his committee found that the average lawyer does observe proper behavior. The Civility Code, he explains, is intended for a small group of attorneys who pattern themselves after a pervasive media stereotype of combative and uncivil lawyering, believing that the public expects such behavior from lawyers.

Unfortunately, those who conform to the stereotype are adding fuel to public dissatisfaction. In public hearings held by the Craco task force, persons who testified frequently named the source of negative opinion about lawyers to be media reports about the profession—a portrayal that is less than

flattering and at best incomplete, contends Craco. “We hear of the misconduct, but we almost never hear about the bar associations that conduct various forms of volunteer work, or the individual law firms that pledge several hundred hours of free legal services for the poor.”

Another common source of conflict between attorneys and clients are the different expectations each group has of the other. The Committee proposed that to prevent conflicts law offices should post a list of rights and responsibilities for clients to study. To that end, the court system has issued a Statement of Client’s Rights and an accompanying Statement of Client’s Responsibilities and has asked lawyers to have them conspicuously displayed. The documents address frequent sources of misunderstandings related to fees and payment, confidentiality, candor in sharing information, and promptness in responding to calls and correspondence. In addition, the Statement of Client’s Rights advises citizens of their entitlement to fair treatment and their right to terminate services if so desired.

Perhaps no other misconduct by an attorney is so widely frowned upon as the filing of frivolous lawsuits. In an attempt to curb frivolous litigation, court administrators have increased the penalty for these violations from a limit of \$10,000 per case to

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\$10,000 per each incident of frivolous conduct in any given case—with no overall limit. The harsher penalty, which took effect in March, comes with an amended court rule that requires attorneys and other persons filing lawsuits to certify on their papers that to the best of their knowledge the matter litigated is not frivolous.

Court officials also expect frivolous lawsuits and other misconduct to decrease as a result of new rules passed last October mandating continuing legal education (CLE) for all practicing attorneys. Research conducted by the Craco Committee indicated that lack of proper training—not willful malpractice—had become the leading cause of complaints filed

credits and covers law office management, client relations and training in ethics—preliminary skill areas essential to practicing law competently.

A slightly shorter program for experienced attorneys is being developed, and by the end of 1998, New York will join 39 other states in mandating continuing legal education as a condition for attorney relicensing.

At the moment, the Continuing Legal Education Board (CLEB), established in 1997, is reviewing and accrediting course materials submitted by institutions and law firms. Fordham Law School Dean and CLEB member John Feerick says submissions received so far indicate that

some New York law firms and bar associations have an impressive track record on training. “We have heard from law firms that in the last five years have run an average of 50 courses—many meeting the Board’s requirements for CLE accreditation,” says Feerick. But the percentage of attorneys benefiting from these programs is small, and until now there was no way to know if the training offered was up to standard or focused on required professional skills. With a curriculum that clearly outlines both standards and skills, says Feerick, the mandatory CLE program is set to improve the overall quality of lawyering in New York.



against lawyers. In the past, the legal profession relied heavily on senior lawyers to pass on their learning and experience to newly admitted attorneys. But over the years, such mentoring networks dwindled, junior partners were left to learn professional skills on their own and, not surprisingly, many fell into problems.

The CLE program is intended to fill the gap in training as well as to keep attorneys informed of new developments in the law. The program for new attorneys consists of 32 hours of course

## Client’s Rights at a Glance

Next time you need to hire a lawyer, be sure to consult the court system’s recently issued Statement of Client’s Rights. Law offices are

required to display the full text, but in summary here is what the statement says you as a client can expect from your attorney:

- ◆ Courtesy and consideration at all times
- ◆ Freedom to terminate service if you are dissatisfied with your attorney’s conduct or performance
- ◆ Explanation of fee computation and billing
- ◆ Prompt response to your queries and concerns
- ◆ Your attorney’s cooperation if you would like to settle your case
- ◆ Privacy in all dealings
- ◆ Fair treatment and nondiscriminatory representation