

Homing In On Landlord-Tenant Disputes

*Court Reforms and Volunteer
Lawyers Are Helping Parties
Resolve Landlord-Tenant Cases*



*Neutral court attorney
Lizbeth González helps a
client at Bronx Housing Court.*

Landlord-tenant disputes are never pleasant—and when either or both parties are not represented by counsel, the experience can be especially painful. But in New York City, where the volume of housing-related cases is the highest in the state, self-represented tenants and landlords can now look to Housing Court public resource centers for relief. Lizbeth González, one of the two counselors who works in the resource center at the new Bronx Housing Court, says many of the tenants and owners she meets have no idea how to proceed in court or what their legal options are. She and the other court counselors stationed at the resource centers in each of the city's five Housing Courts act as neutral court attorneys, offering litigants vital legal information and, where appropriate, helping them to prepare petitions and answers.

Setting the Record Straight for Litigants

Ms. González says of the centers, which opened in January 1998, "Here a tenant or owner can discuss the facts of a case in a quiet, peaceful setting. Sometimes judges refer self-represented parties to us and we help these individuals prepare for trial. We deal with illegal lock-outs and other emergencies all the time. Once a tenant came in here because the landlord had removed all the windows from the apartment, which, of course, is illegal. Some property owners think they can evict tenants without going through the court and actually believe they're acting within the law. Tenants also are often mistaken about what their obligations are. For example, some think they can 'live off' their security deposits, which isn't so. At the resource center, we set the record straight as far as what the law says, so both sides understand what is required of them."

New York City Housing Court resource centers not only have on-site counselors, but also are stocked with reference materials. And since last October, over 250 volunteer lawyers from the Citywide Volunteer Lawyers Project have been trained to provide legal guidance to tenants and landlords involved in some of the more complicated cases. In addition, for those who can settle their differences without the expense and hassle of full-blown litigation, a pilot program begun in Queens County Housing Court early last year offers mediation services to help opposing parties work out a settlement and avoid going to trial. This pilot mediation program, which has a settlement rate of about 80 percent, is now being expanded to Brooklyn's Housing Court.

Adds Ms. González, "Thanks to recent reforms that include more streamlined case processing, the new public

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resource centers, the hiring of additional judges and court personnel to assist tenants and landlords, and the Citywide Volunteer Lawyers Project's pro bono efforts, things are definitely looking up for New York City Housing Court litigants."

Erie County Volunteer Lawyers Program Fills A Critical Need

In Buffalo City Court, Erie County's pro bono Volunteers Lawyers Project (VLP) Attorney of the Morning (AOM) program is at work defusing landlord-tenant

battles. Like long-standing family feuds, some of these disputes can become so contentious that emotion triumphs over reason. To make matters worse, many housing litigants show up in Buffalo City Court without legal representation but with a lot of misconceptions concerning their rights and obligations.

Says Buffalo City Court Judge Robert Russell, who has heard thousands of landlord-tenant cases, "Lately, we are seeing a lot more landlord-tenant disputes in Buffalo than we did 10 or 15 years ago, the most difficult ones being those where tenants are unable to make the rent and risk being evicted from their apartments. Overwhelmed by their financial problems and confused about what legal steps they can take, such tenants have a critical need for an attorney's advice. There are several legal aid agencies to assist them, and we're also fortunate enough to have VLP's Attorney of the Morning program at the courthouse three days a week to represent low-income tenants. With the budget cuts we're seeing at many of the not-for-profit agencies, pro bono programs like this truly are a blessing."

Making A Difference for Families in Need

VLP's Attorney of the Morning program, run by the Erie County Bar Association, links attorneys who have special training in landlord-tenant law to indigent tenants facing eviction. Volunteers are available at the courthouse on Mondays, Wednesdays and Fridays, complementing the work of Neighborhood Legal Services, a not-for-profit agency at the court on Tuesdays and Thursdays. AOM coordinators—law students and recent law school graduates who undergo the same training as do the volunteer attorneys—oversee the lawyers' schedules, perform client intake, help prepare cases and follow up with clients.

Says Robert Elardo, Managing Attorney for the Volunteer Lawyers Project, "We have a group of lawyers in private practice

Some places to call or write to if you need help with a housing-related problem . . .

- The **State Division of Housing and Community Renewal (DHCR)** publishes 30 fact sheets on a wide range of housing and landlord-tenant issues including rent security deposits, apartment sublets and rent stabilization. For information, call **(718) 739-6400**.
- DHCR also has a **Small Building Owners' Assistance Bureau**, **(718) 739-6400**, for landlords of rent-regulated buildings in New York with 50 or fewer units. Among other things, the Bureau provides assistance with lease renewals, applications for rent increases and responses to tenant complaints.
- DHCR's **Harrassment Enforcement Unit** handles complaints from tenants living in New York State rent-regulated housing who are being harrassed by their landlords. If you are a victim of harrassment and need help, you can write to:

DHCR
25 Beaver Street
New York, NY 10004
- Tenants living in rent-controlled or -stabilized NYC apartments with inadequate heat and/or hot water can call the **New York City Central Complaint Bureau's hotline at (212) 960-4800**. An inspector will investigate the complaint and either issue a building violation or order emergency repairs to restore services.

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Former Olympian Gives Personal Best As Juror

Kristen Talbot has already seen more of the world than most people twice her age, but the former Olympian had never been in a courtroom before last September, when she served as a juror in her native Saratoga County. “It was really cool to be right in the courtroom and see and hear everything first-hand. Jury duty turned out to be a fascinating experience and taught me a lot about how our justice system operates. I’m actually looking forward to serving again,” says Ms. Talbot, who retired from speed-skating competition in 1994 to pursue full-time college studies leading to a career in physical therapy.

Ms. Talbot served on a civil trial and heard the case of a construction worker who sustained injuries on the job and claimed that since the accident he could no longer perform the same work duties. It took a full day of deliberating for Kristen and the rest of the jury to determine liability and agree on the amount of money the plaintiff deserved for his medical expenses, pain and suffering and future lost wages. She says, “The hardest part for me, and I think for all the jurors, was assessing the credibility of the various witnesses and deciding on how much money would appropriately compensate the injured party. It was an educational process and very rewarding, too.”

Asked if her training as a speed



Three-time Olympian Kristen Talbot

skater in any way helped her as a juror, Kristen responds, “I learned as an athlete to give my very best and that hard work and dedication always pay off in the end. When you think this way, it’s beneficial in any situation. Also, athletic competition builds self-confidence, which comes in handy throughout one’s life.”

When it comes to speed skating, Ms. Talbot’s hard work, dedication and self-confidence has indeed paid off. On skates since the time she could walk, Kristen made it to the Olympics three times, first in Canada in 1988, four years later in France and then in Norway in 1994. Although she has many fond memories of her Olympic days, being at the opening ceremonies, especially for the first time in Canada, will always remain the icing on the cake for her. “Can you imagine being cheered on by so

many people? The energy and support of the crowd is incredible,” she says.

Ms. Talbot quickly learned that when you’re an Olympian, there are some great perks. For one thing, she got the chance to travel to many parts of the world, visiting most of Europe, including East Berlin both before and after the wall came down, as well as Japan and Russia, where the long food lines, bare shelves and poverty she saw throughout Kiev really put things into perspective for her. Kristen also paid several visits to the White House as a U.S. Olympic speed skater, meeting and being photographed with Presidents Reagan, Bush and Clinton. She still recalls how much taller these three chief executives looked in person than on television.

Now that she’s retired from competition, Kristen is eager to become a physical therapist, combining her interest in health and science with her desire to help others. “I think it’s funny, even a bit coincidental, that during the trial on which I served a physical therapist was called to the witness stand. What I remember most about this witness is how organized she was. In fact, she so impressed me that I promised myself to be just as meticulous when I’m in practice,” Kristen vows. In addition to embarking on a new career, Ms. Talbot has plans to coach speed skaters and take up the guitar. She also is committed to spending more time with friends and family and enjoying favorite pastimes such as hiking the Adirondacks, biking and playing tennis. ♦

New York Courts' Think Tank Wins Prestigious

Most people probably wouldn't use the word "progressive" to describe our nation's justice system, but thanks in large measure to the efforts of New York's Center for Court Innovation (CCI), this perception is changing for the better. An independent unit of planners and researchers developed through a private-public partnership between the New York State Unified Court System and the Fund for the City of New York, CCI is helping to restore public confidence in our courts through a number of important new initiatives. This past fall, the creative minds behind CCI were honored for their inventiveness, winning the prestigious Innovations in American Government Award, which recognizes the nation's best examples of government innovation. As one of this year's 10 awardees, CCI also received a \$100,000 grant.

Operating like the research and development arm of a corporation, CCI investigates both chronic and emerging problems seen daily in our courts—child neglect, domestic violence, drug abuse and other issues affecting the quality of life in our communities—developing and implementing model court projects to address these deep-rooted problems.

CCI's first project, the nationally acclaimed Midtown Community Court which opened in 1993, was designed to crack down on the vandalism, prostitution and other quality-of-life crimes that plagued Manhattan's Times Square area. Here, low-level offenders are required to perform community service as a way

\$100K Award



of giving back to the neighborhood. To help keep offenders out of trouble with the law, the court links them to job training, medical care and social services that can help to resolve the issues usually associated with low-level crime. The court's successful formula has inspired other major cities across the country, including Baltimore, Philadelphia and Minneapolis, to set up similar courts.

Another CCI brainchild, Brooklyn's soon-to-open Red Hook Community Justice Center, will build on the Midtown Community Court model to become the nation's first multi-jurisdictional community court, handling low-level criminal cases as well as family and civil matters with a focus on enhancing area residents' quality of life. The Red Hook center's youth court, up and running since last year, emphasizes positive peer pressure and mentoring for at-risk juveniles guilty of vandalism, public drinking and other low-level crimes. Another community justice center—which will also focus on juvenile

delinquency and run a youth court—is in the works in New York City's Harlem. The Harlem center, like its Red Hook counterpart, will address housing, family and other issues of local relevance.

The Center for Court Innovation also is credited with initiating the state's first specialized felony domestic violence court in Brooklyn, whose winning strategies are already being adapted to the higher caseloads of the Criminal Court in New York City. CCI is currently helping to establish dedicated domestic violence court parts in Westchester Supreme Court and Buffalo City Court, where safety planning and greater access to services for victims will be combined with intensive monitoring of and crisis intervention for batterers.

Says New York State Chief Judge Judith S. Kaye, who played a key role in turning the concept for CCI into a reality, "By re-evaluating traditional court models and testing new prototypes, the Center for Court Innovation is making our court system more responsive to victims, defendants and the community alike and paving the way for court reforms throughout the country."

The Innovations in American Government program is funded by the Ford Foundation and administered by Harvard University's John F. Kennedy School of Government in partnership with the Council for Excellence in Government. The program receives about 1,500 applica-

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Jurors' Mailbox

The following, excerpted from an account by Frank Skartados which appeared in the *Poughkeepsie Journal* this past fall, was reprinted with the author's permission.

Recently, I was called by the Commissioner of Jurors in Dutchess County to serve on a murder case. I would like to share my experience with those who have never before served as jurors.

Like many who receive such notices to serve, I thought oh, no—not jury duty; it will disrupt my regular routine and prevent me from meeting my scheduled appointments. But I had never served before and felt it was my civic responsibility to do so.

After a few days of jury service, the presiding judge and both attorneys on the case had interviewed the prospective jurors and selected the jury panel, including four alternates, all of whom were sworn in. It took us a few days of isolation in the jury room before we began talking with each other. After all, we were 16 people of different ages and backgrounds who were not allowed to talk about the only thing we had in common: the case at hand.

After days of testimony, examination and cross-examination, numerous sidebars and waiting periods, the judge handed us the case with instructions on the law and the process of deliberation. By this time, all the jurors were comfortable with each other. Now, we were finally able to talk about the case. After hours of reviewing the evidence and many heated debates, we reached a decision that we could all live with.

I believe that any rational person looking at all the evidence objectively would have reached the same decision as we did, but the weight of the unanimous verdict of 12 jurors truly represents the unified conscience of the community.

I'm glad I had the opportunity to serve as a juror because—and those who have gone through this process know—I walked away with more than just my juror's pay. It was an education, giving me a better understanding of our judicial system.



If you have an interesting jury experience you'd like to share or have comments or suggestions about the jury system, you can call 1-800-NY-JUROR or write to:

Chief Judge Judith S. Kaye
Continuing Jury Reform
25 Beaver Street
New York, NY 10004

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who work on a volunteer basis to assist tenants who can't afford an attorney yet may face the very frightening prospect of becoming homeless. Overall, tenants represented by lawyers fare much better than self-represented ones in terms of avoiding eviction or at least being granted additional time to find another apartment. This program is making a difference for many poor families who might otherwise find themselves without a place to call home."

Suzanne Taylor is one of VLP's 99 specially trained volunteer attorneys, devoting two or three mornings a month to the program. Winner of the Attorney of the Morning of the Year Award in 1995 and again this year, Ms. Taylor says that once an attorney gets involved, the adversarial landlord-tenant relationship almost always turns more amicable. "The two parties usually wind up negotiating a settlement, making everyone happy and giving the volunteer attorney a great sense of accomplishment," she adds. ◆



Tried and True: A Look at How Our Modern-Day Trial by Jury Evolved

Have you ever wondered what it might have been like to serve on a jury a few hundred years ago or how our jury system came about? Some scholars trace the origins of trial by jury to 11th-century England, although the very first juries on record were the dicasteries of ancient Greece. Made up of 61 to as many as 2001 jurors per case, dicasteries decided both outcome and sentence and voted by dropping a bean or pebble into one of two urns. Members of the dicastery were paid three obols a day or the equivalent of three salted fish. Smaller juries and rhetorically sweeping arguments by professional advocates like Cicero were features of the later Roman version of the dicastery, which began to fade by 300 A.D. because the increasingly despotic Roman emperors considered it too democratic.

The Jury in Medieval Europe

Although there are few records of

court procedures from the Middle Ages, community courts with non-professional judges are known to have existed and thrived for long periods in Germany and some Scandinavian countries. Anglo-Saxon records reveal a system called compurgation whereby friends of a person accused of a crime would swear to that individual's honesty. Historians believe that the Anglo

began as a way for the king to tax owners of land and involved bringing residents of each county to court to swear to proper land titles. England's King Henry II expanded the jurisdiction of recognition panels in the mid-12th century so that they could decide property disputes between private parties. Eventually, recognition panels decided other types of disputes as well as criminal matters.

James Madison rated the constitutional guarantees to trial by jury as “the grandest in the whole list” of rights intended to be secured by the people.

Saxons' experience with compurgation made it easier for them to accept what is thought to be the true precursor to the modern trial by jury, a process called recognition, which was imported to England from Normandy by William the Conqueror in 1066. Recognition

During the Middle Ages in England, innocence or guilt in criminal trials was determined either by the oaths of compurgators or by the ordeal, which employed a variety of medieval tortures. A defendant forced to submit to the ordeal might be made to carry a glowing piece of

iron in one hand or dip one hand in a pitcher of boiling water. The injured hand was bandaged and, if it didn't become infected within three days, the person was judged to be innocent. Imagine the odds of a just verdict back then!

By 1215, accused parties were given the option of a trial by jury, although jurors at that time were more akin to witnesses than judges of the facts. It would be another 200 years before jurors came to function exclusively as triers of the facts, but then they were often coerced into reaching verdicts endorsed by the English Crown, a situation that would improve by the end of the 17th century.

Early Settlers Bring Jury System to America

The jury system reached American shores around 1607, quickly becoming a symbol of freedom and a stronghold of democracy. The jury of peers served as a vehicle for implementing revolutionary ideas and principles, particularly when the needs of the new colonists and the dictates of the Crown were in conflict.

The First Congress of the American Colonies, held in 1765, included trial by jury among its inventory of essential rights and liberties. After the American Revolution, the newly independent Americans were very much aware of the importance of the jury as an instrument for the protection of individual liberty.

Thomas Jefferson, in a letter written to Thomas Paine in 1789, said, "I consider trial by jury as the only anchor yet devised by man, by which a government can be held to the principles of its constitution."

ensure that jurors are selected from a fair cross section of the community, and not excluded from service for discriminatory reasons.

Our jury system continues to evolve to this day. In New York,

Thomas Jefferson, in a letter written to Thomas Paine in 1789, said, "I consider trial by jury as the only anchor yet devised by man, by which a government can be held to the principles of its constitution."

Jefferson's successor to the presidency, James Madison, rated the constitutional guarantees to trial by jury as "the grandest in the whole list" of rights intended to be secured by the people.

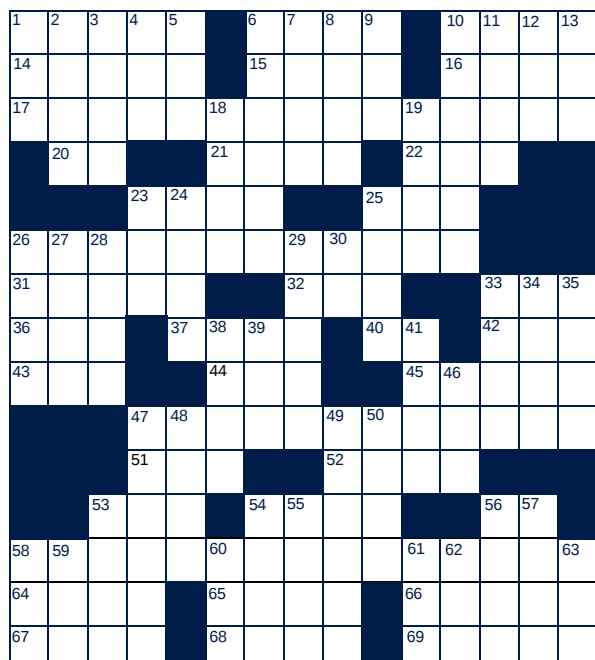
Moving Into Modern Times

Reforms in our jury system reflect the nation's changing social and political climate. Without a doubt, the inclusion of women and minorities on juries has been the most notable jury system reform in modern history. In New York, disqualification from jury service on the basis of race was banned in 1895 and women were given the right to serve on juries in 1937. Since that time, additional legal protections have been developed to

expansion of juror source lists along with the repeal of automatic exemptions have led to a more diverse jury pool, while reforms like reduced terms of service, less frequent summoning and better pay are making jury duty a more pleasant experience for jurors across the state.

While it is still not perfect, the American jury system—by giving citizens the opportunity to make public decisions and participate in government—has changed, and continues to change, the course of history. Perhaps its survival can be attributed to something John Adams said more than 200 years ago: "The power of the people to vote . . . together with trials by jury comprise wholly the liberty and security of the people." ♦

COURTSIDE CROSSWORD



ACROSS

1. North Carolina senator
6. Envelope part
10. Makes faces at the camera
14. Thoughts
15. Snake-like fishes
16. Region
17. Perry Mason, for one:
2 wds.
20. Part of the Christian Bible:
abbr.
21. At __, in disagreement
22. Distress signal
23. Italy's capital

25. Arafat's group: abbr.
26. Process during which
jurors decide a case
31. Suspect's defense
32. Nada
33. Cars, vans and trucks:
abbr.
36. Authors' output: abbr.
37. Combat vehicle
40. It's one of TV's most
popular shows
42. Nondiscriminatory work
policy: abbr.
43. Tap gently

44. Sun, in Madrid
45. Word with "city" or
"thoughts"
47. In New York, site of both
civil and criminal trials:
2 wds.
51. Liquid measures: abbr.
52. Frequently: 2 wds.
53. __ culpa
54. Makes a mistake
56. Letter-writer's addition:
abbr.
58. When the jury is finished
with 26-Across, it does this:
3 wds.
64. Dismal
65. Body of water
66. Tolstoy's Karenina and
namesakes
67. Joan of Arc and others:
abbr.
68. Necessity for 33-Across
69. Dull, as a photo finish
12. Golly!
13. Declare
18. Several
19. Norwegian capital
23. Poke fun at
24. Death notice, for short
25. Heap
26. Humid
27. The late Ms. Lanchester
28. Supermarket-shopper's aid
29. Bracelet site, for some
30. Musical note
33. Bill of fare
34. Swerve
35. Type
38. Venomous snakes
39. Neither here __ there
41. Puerto __
46. Negative
47. Spots
48. Home to the NBA's
Karl Malone
49. Wonder
50. Otherwise
53. Horse
54. Jacob's twin
55. Do a fall chore
56. Half a quart
57. Shoo!
58. Highways: abbr.
59. Enjoy a meal
60. One of Santa's helpers
61. A member of L.A.'s NFL
team
62. Evidence in some modern-
day trials: abbr.
63. Monogram of renowned
20th-century poet

DOWN

1. Concealed
2. Paradise
3. It precedes "field" or "hand"
4. A West
5. Entry on a tax return: abbr.
6. Nourishment-supplying
device
7. Suggest the desired
answer, as to a witness
8. Certain jurors: abbr.
9. Quiet!
10. Dark red
11. Vases

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tions each January, selecting 100 semi-finalists in the spring. By early fall, the selection committee narrows the candidates down to 25 finalists, choosing the 10 winners several weeks later. Applicants are judged on the novelty, effectiveness and transferability of their

programs, as well as by the degree to which their programs successfully address an important problem of public concern.

The 1998 selection committee, made up of leaders in private industry, journalists and former elected officials, was chaired by

David Gergen, a former presidential advisor and the current editor-at-large of *US News & World Report*. Since the awards were first given in 1986, over 85 percent of the winning programs have been replicated with excellent results. ♦