

From: [REDACTED]  
To: "'David Fogel'" <dfogel@worldwide-artbooks.com>,  
"freevillevillage@googlegroups.com">  
Subject: RE: [FreevilleVillage] Court matters  
Date: Tue, 25 Aug 2015 09:26:35 -0400  
X-Mailer: Microsoft Outlook 15.0  
Thread-Index: AQLIG0A336YZT7iE3l5EXY1RIBGJuJwuNOmg  
X-RR-Connecting-IP: 107.14.168.130:25  
X-Cloudmark-Score: 0

This whole issue of local attorney vs non-attorney Justices has been simmering for a few years now.

The New York Times did a story a few years ago on the states local Justice Court system that took a swipe at one of our county local Justices at the time.

I think that as a general practice the administration of justice on civil and petty criminal matters should remain a local concern.

The issue of Justices being or not being lawyers is I believe largely moot and one being driven by lawyers themselves and perhaps the activist movement that looks for any excuse to get the accused off. If there are examples of non-lawyers acting in an egregious manner then there is an existing state oversight to the local Justice system that can address the issue as well as an existing appeals system that Defendants can utilize.

Some of the best local Justices in Tompkins County have been and are non-lawyers, while some of the absolute worst have been and are lawyers.

One area of the local Justice Court system that can use some adapting is the initial arraignment process. In NY State a defendant cannot be remanded to jail without first being arraigned in Court ( with exceptions in some warrants that are straight to jail, but those are relatively rare ). This is unlike some states where an accused person can sit in jail for days before initial arraignment. In the last year or so this was further modified to require that in our part of NY State the Defendant MUST be arraigned with counsel present, a requirement that previously did not exist. There were some bumps in the road when that process was implemented but the Courts seem to have adapted well to the requirement.

The on-going issue as long as I've been dealing with the courts is GETTING a court where you can do an after 24hours arraignment. The Defendant must be arraigned in the court of jurisdiction or that of an adjoining Township. Sometimes finding a judge in one of those Courts, particularly late at night or early in the morning, can be a challenge. The ideal solution would be to have a designated Justice on call for any given hour of the night for all arraignments in the county during that time period. That practice however would require a change to state law. If the State wants to improve efficiency by making those changes in law needed to make the process I suggest possible, then go ahead. Otherwise, my opinion is that the state should leave local Justices alone.

We as a state and county are facing a larger issue than this in the running of the juvenile justice system. The local Justice Court system is nowhere near as big a problem as the issues we are

facing when it comes to juvenile justice. The state is considering changing the ages that define a juvenile, raising it to the age of 18 to match the other 49 states. The current state juvenile justice system isn't capable of handling that change. As with the issue of taxes where the state misses the bigger issue where it ignores state funding of mandated programs to blame local gov't inefficiency.

---

From: [REDACTED]  
To: "David Fogel" <dfogel@worldwide-artbooks.com>  
Subject: RE: [FreevilleVillage] Court matters  
Date: Tue, 25 Aug 2015 12:50:05 -0400  
X-Mailer: Microsoft Outlook 15.0  
Thread-Index:  
AQLIG0A336YZT7iE3I5EXY1RIBGJuALYVE4dAbzT5xoB9c0RugH33gy8A15pDw8  
CTQ7gIgHBfAf4ALV2nDgByWfJNQJRz75rm5Bwq3A=  
X-RR-Connecting-IP: 107.14.168.118:25  
X-Cloudmark-Score: 0

The problem with middle of the night arraignments is that it isn't a just sometimes thing  
It is literally every night for many courts; if not for their own court then for the town or village next door.

Between the county deputies, the state troopers, and village PDs, these judges are getting called every night

Some of these judges are refusing to answer their phones and its causing feuds between the judges that I am not at liberty to go into.

If you break it down to an hourly rate for what we are paying the Justices, the taxpayers are getting a deal with the current system.

At least if there was a designated justice on call for a given night and a designated lawyer, it would give the remainder some respite on the dates it is not their time on call.

---

From: [REDACTED]  
To: "David Fogel" <dfogel@worldwide-artbooks.com>  
Subject: RE: [FreevilleVillage] Court matters  
Date: Tue, 25 Aug 2015 12:20:04 -0400  
X-Mailer: Microsoft Outlook 15.0  
Thread-Index:  
AQLIG0A336YZT7iE3I5EXY1RIBGJuALYVE4dAbzT5xoB9c0RugH33gy8A15pDw8  
CTQ7gIgHBfAf4ALV2nDibsUJqcA==  
X-RR-Connecting-IP: 107.14.168.118:25  
X-Cloudmark-Score: 0

By the way, I've never heard any complaints against the Freeville Justice court  
The judge here has always been fair in his own proceedings and made himself available for arraignments for other courts.

We are lucky to have him and I hope that none of the discussions about changes to the courts have had any negative comments directed towards the Freeville court itself.