Minutes
Municipal Courts Task Force
Tompkins County Legislature Chambers
October 14, 2015

Present:	Ray Schlather, Jason Leifer, Mary Ann Sumner, Gwen Wilkinson,
Excused:	Betty Poole, Mark Solomon, Glenn Galbreath, Scott Miller, Liz Thomas
Presenters:	Steven Shiffrin, Mary McCarthy, Kelly Damm, Peter Salton, Jane Murphy, William Highland
Staff	Joe Mareane, Marcia Lynch

Mr. Schlather opened the meeting at 4:35 p.m.

The minutes of the September 30 meeting were amended and approved.

There were no responses to the invitation for public input.

In his Chair's report, Mr. Schlather discussed a Rochester radio report he had heard regarding a Youth Court system in Ontario County (one of 80 in NYS) that is celebrating its 15th anniversary and is achieving high levels of success. The court, which is staffed by young people, provides a mechanism for handling violation and misdemeanors involving youth ages 10-18 and allows the young person to complete the process without incurring a criminal record. He has asked Mr. Mareane to gather information on the program.

Mr. Mareane had no staff report.

Mr. Schlather introduced the panelists.

Mr. Schiffrin began the presentations. He is a professor of law emeritus at Cornell and taught constitutional law at Cornell for nearly 40 years. During much of that time, he was of-counsel for a large Los Angeles law firm. He has been practicing criminal defense law locally since 2013. He explained that his testimony is based on thousands of pages of prior testimony by a variety of groups including the Dunn Commission and submissions to this commission.

He shares the view that most lay judges are dedicated, work hard, strive to be fair, and perform an exceptional public service. Many are extremely well educated and quite smart, and have distinguished backgrounds. However, he said there is considerable testimony that lawyer judges are needed to handle parts of the docket of the justice courts, or at least it would be better of some judges are lawyers. The authors of the action plan (Judges Kaye and Lippman) maintained that lawyer-judges would be superior. Judge Kaye took the position that a lawyer judge should be a constitutional requirement in criminal cases.

Mr. Schiffrin said a number of important organizations do not have confidence in the capacity of lay judges to handle important parts of their docket (NYS Bar Association, NY Civil Liberties Union, NY

Association of Criminal Defense Attorneys, NYS Coalition Against Domestic Violence, the NYS League of Women Voters, and Legal Assistance of Western NY (re: landlord tenant cases). The Dunne Commission concluded a defense attorney should have the right to remove a case after arraignment to an attorney judge.

He said it takes at least 2 years of legal education for a substantial number of students to catch on to the legal culture, be able to read cases and statutes, and assess cases. Many take longer. When they graduate, the students know very little about NY law. The requirement of practicing 5 years before qualifying as a city judge strikes him as a vital qualification—and it's the same docket as town and village judges.

Mr. Shiffrin said it is not enough that lay judges bring a degree of humanity and common sense to the bench. He agreed there are thousands of lawyers who are not qualified to be judges. However, to say that lawyers who want to be judges are warped humans compared to those who did not go to law school is indefensible stereotyping. He said empirical evidence demonstrates that lawyer judges, like juries, often bend the law to conform to their perception of just outcomes. However, suggesting that the law is common sense, or that common sense should generally be privileged over law, is way off the mark. Most areas of the law are complicated. As a criminal lawyer, he has confronted the complicated and often counterintuitive character of NY criminal procedure law, evidence law, and criminal law that affect felony, misdemeanors, and violations. Common sense or lack of knowledge or man lay judges results in not just bending the law, but departing from it by denying important statutory and constitutional rights and liberties. That is unacceptable, and why numerous organizations are calling for lawyer judges.

He said it is not adequate to say judges in Justice Courts have access to a resource center that will answer legal questions. He wants the person who renders judgment to read his brief. There is a substantial difference between a law clerk and a resource center. Also, he said that the act of judging too often shifts to the resource center. Restoring to the center mocks the notion that the justice courts are closest to the people.

He identified more serious problems with the closest to the people argument. First, the term "people" is always metaphorical, particularly given the low turnout in local elections. The second relates to what Mark Solomon asked about. The Dunne Commission found the vast major of litigants in justice courts are not residents of the town or village in which they are tried. He said in a third of the cases, litigants travel more than 20 miles to get to court. 46% travel more than 10 miles. 40% of the litigants are not even from the same county. If judges are close to the people, they are not close to the vast majority of the litigants who appear before them. When they are close to litigants, it is fair to be concerned that in some cases familiarity can bring favoritism or hostile bias. Third, as the Dunne Commission and others have recognized, a substantial portion of fees and fines levied in justice courts go back to localities, who support justice courts, including the salaries of the justices. That is a conflict of interest. The Dunne Commission called this a perverse incentive that has driven decisions in some courts. Mr. Shiffrin argued that local elections are particularly bad in small election districts where the person elected will represent their conception of the people as opposed to being fair, impartial and independent, which will

often require the rendering of unpopular decisions. He cited California appellate judge Otto Kaus who believed he had a duty to be independent and that he should ignore the fact of elections, but said "you cannot forget the fact that you have a crocodile in your bathtub while shaving in the morning."

Given that town and village justices can qualify for the ballot with no educational qualifications, no character checks, and no job experience, we have been fortunate that those elected have in the main served well. He is aware that there is also anecdotal information against lawyer-judges, and that many lay judges have developed legal acumen better than lawyer judges, but that is not the norm.

Mr. Shiffrin said it is clear that people who graduate from law school, pass the bar, and practice law for at least 4 years generally have far better training than the overwhelming majority of lay judges. He also finds it decisive that respectable organizations lack confidence in the ability of lay judges to handle portions of their current docket in comparison to lawyer judges, including criminal cases (including violations where the DA would ask for incarceration) and landlord-tenant cases.

He said the creation of a limited jurisdiction district court that might send some revenues back to the towns and villages would leave the justice courts with the bulk of their jurisdictions, and assure those threatened with incarcerating or with eviction would be judged by persons with stronger qualifications than in the current system. That would require state legislation and a majority vote of those affected. Failing that, he would favor state legislation permitting removal from a lay court judge court to a lawyer judge court along the lines recommended by the Dunne Commission, revised to limit it to Tompkins County, and to include both violations where incarceration is recommended by the prosecutor and landlord tenant cases. He noted that electoral approval may be more likely in a smaller county like Tompkins than in a larger urban county.

Margaret McCarty was introduced. She has been an attorney for more than 25 years. In her first five years, she was a criminal defense attorney in the NYC legal aid society where she represented thousands of clients. She has lived in Tompkins County for over 20 years, and her practice has focused in criminal and family law. Recently her practice has been limited to appeals of cases involving indigent individuals. Her concern with the current system is that the justice courts handle many cases where a person risks the loss of liberty or housing, and it is her position that these cases should be handled in a district court with attorney judges. She said access to courts and fair administration of justice should be guaranteed. Inadequate facilities were often cited in the Dunne Commission study. She cited her own experience in a local court held in a town highway barn. She said many courts have inadequate lawyer-client meeting areas, inmate holding, or separation from victims and accused. There are significant security issues because of the lack of consistent elements such as security officers and metal detectors.

For her, the most important issue is inadequate access to courts when they're not open. She agreed that most litigants do not live here. When she has represented clients in local justice courts they have had significant transportation issues in getting to court. Most courts are not on bus routes, and schedules don't coincide with the bus schedules. Many clerks have limited hours, meaning many can't go to court to pay a fine or file papers. Because many courts are held in the evening, it presents problems for litigants with child care issues. She has found courts unwilling to take partial payment on

fines and fees. Larger courts are more likely to show flexibility than the local courts in Tompkins County, where she was expected to collect money from clients and then make arrangements with them for repayment. This means cases are essentially pro bono, because payment rarely comes after the case is closed. In traffic cases, failure to pay fines means suspension of license which can lead to criminal charges for driving with suspended license—something that makes it more important that there is an ability to pay fines.

Ms. McCarty finds it difficult to promptly resolve cases when DA is not present at all appearances. Also, without DA present, there is inappropriate ex parte communication. Delays can also mean an individual stays in jail longer.

She is concerned with domestic violence cases and with orders of protection, where she has seen illegal conditions set, such as "do not come to this town". Doing motion practice in front of judges who are not attorneys when they involved complicated issues does not afford criminal defendants the same right of access as they would have in courts with lawyer-judges. In doing preliminary felony hearings, in justice courts, these involve complicated legal issues. Being in front of a judge with limited experience in criminal cases—experience is needed to handle property—as is the case with jury trials. In Tompkins, a lot of programmatic innovations have been implemented to improve the criminal justice system, but there is not equal access to these innovations in town courts. Some judges are reluctant to use the ATI programs; some set the bail higher than OAR can assist solely so they can't be bailed out. In justice courts, some are unwilling to have community service done outside of their town. Because most facing criminal charges don't live in that town, it creates a situation where they cannot do community service through the county's programs or the town where they live. The special initiatives that have been funded by the County or others that involve specialists of various kinds don't exist in justice court. It is made more difficult by the hours of operation for the justice courts and the high number of appearances for just a few cases.

A repeated finding by those who have studied the local courts is the inadequate recording of appearances.

The hours of the courts also make it difficult for attorneys who work all day; who are reluctant to go to justice courts because of the long hours. She found it difficult as a mother to secure an adjournment because of a family emergency. She has experienced justice courts that stayed open even when all other public facilities were closed because of weather hazards. She also discussed the ethical issues regarding ex parte communications with the judge. She is aware of ex parte conversations with ADAs (who weren't given a choice about being able to speak) and said she has been placed in the same situation.

Kelly Damm was introduced. She has practiced primarily in Tompkins County for the last 15 years, and focuses in criminal and family law. She also practices in 9 other counties, so her comments pertain to all of these counties, but are focused on Tompkins. Ms. Damm has compiled a list of issues from local attorneys. She indicated that some are concerned about repercussions from local judges who listen to the testimony.

With respect to ex parte conversations, she said it extends to extreme ex parte conversations with officers, witnesses, and others justices wish to question, without anyone else knowing the communications are going on. The court follows via email, faxes, and letters sent to the court, and unless the judge or clerk provide copies (as required), no one is aware of this communication. This rarely happens, but ex parte conversation with officers is very clear, especially bail arguments happening when officers bring in individuals for arraignment in the middle of the night when attorneys aren't present. The officer contributes to the bail argument, and this is ex parte. There is no one there to rebut what the officer says, which have no basis in the truth.

In her first appearance in a justice court in Tompkins County, she was called to the bench by hearing "Missy, are you here for court?" That is how she was introduced to justice courts in Tompkins County. She said she will be speaking in generalities, so as not to attack a single justice court, but to convey what the way the courts are run and what happens on a daily basis. She said there is rampant sexism in the justice courts and that judges ogle at female attorneys. There is no way to stop it, because the judges don't think they're doing anything wrong. There is a large lack of training on how to read the cases, apply the cases, and apply them to specific areas like probable cause hearings, felony preliminary hearings. There are complicated legal issues that go on at the beginning of cases that are being overridden by common sense application of the law, because there is a lack of understanding about what the application should be. Training would assist with that. There is a lack of oversight by OCA, which has been an ongoing problem for years. Judge Mulvey has a commission working on this. OCA does not have the control over the justice court. Justice courts are not subject to OCAs' rules regarding mandatory age of retirement. She said we have had deaf judges, and some that had severe medical illnesses and who could not function during cases, causing lengthy adjournments.

She said there is also continued racism within the courts. As recently as two years ago in a justice court, she heard a judge address a young black man by saying "Boy, are you here for court?" That is the kind of thing that was happening until local attorneys spoke up and took on cases pro bono to makes sure representation was provided.

Local judges are applying personal feelings, or gut feelings, rather than the law because it feels right, and that they know their community. There is a huge misuse of bail, and judges do overcharge bail above the OAR limit because they don't like the look of the defendant, or don't like a type of case, or just don't want the person going home. As a result, they set high bail, which is a misuse of bail and happens throughout the county.

One of the concerns at the last meeting was a concern by a justice about upsetting an officer if bail is not set. They are concerned about angering a person they often work with. There is also deference to the ADA, who is the person the judge gets to know best and rely on to explain legal issues, or provide direction on procedure, creating a bias against the defense.

An individual mentioned to her that there is a general misunderstanding about our specialty courts, and how cases are referred to the specialty courts or how the justice courts can work in tandem with the specialty courts.

The focus is on moving cases rather than the defendant and making sure the defendant is heard.

Attorneys are all officers of the court, and notify the court of issues. Their word as officer of the court should be taken as that. There are justice courts in this county that, when a promise is made such as paperwork or funds arriving the next day, the judge scoffs at the "officer of the court" status and places more trust in the DA.

Judges use policies, which are not appropriate or allowed in NYS for sentencing or plea bargaining. In some courts, if a DWI is reduced to a DWAI, you are required to do two weekends in jail. It is a requirement to get that sentence.

The approach toward the collection of fines, including the inability to make partial payments, results in the issuance of warrants and, essentially, the creation of debtors prisons. This has been created by justice courts that do not want to collect fines, and are putting people in jail because they are poor.

There is a lack of access to the clerks, documentation, and the court on a regular basis. There is one court that is in session once a month, and the clerk works only a few hours a week. You must show up on court night to be able to reach this court.

Before criminal sentencing, attorneys must review pre-sentence investigation before a sentencing hearing. The justice courts will release them to attorneys only in person, which is different than county court that will email or fax. Some justice courts say they can't email, scan, or fax. This adds to the cost of the process by requiring lawyers to personally pick up the reports.

Some require lawyers to attend court every month for pre-trial appearances, including felonies that they hold onto (which they are not allowed to do) so that they can keep track of what is going on with that case. When this happens, there is a complication, unless it is indicted, about who has jurisdiction.

Many justice courts overlap on the same night, which is a longstanding problem. The DA's office cannot put people in all of these courts at the same time, nor can the defense attorneys. The courts have refused to change their schedule. On Mondays, five courts are in session between 4-7 p.m. This causes costly stresses within the jail transport staff, DA, and local attorneys. There can be as many as 20 attorneys in a court on a Monday night.

She said it is not about lawyer/non-lawyer judges. A district court has jurisdictional requirements that do not allow lay-judges. The qualifications of a district court judge must be at least as high as a City court judge, which require a law degree and five years of experience.

Ms. Damm said the problem is not changing and that the only solution is district courts. She referred to the Rotary Club buttons that say "we've always done it this way" with a red-line through it. She said we must change to meet the rights of defendants.

Peter Salton was introduced. He has been an attorney since 1997, and has practiced in all of the local courts. He is also a member of the Cayuga Heights Village Board. He said we already have a gold standard assigned counsel program, and asked why not become the gold standard for something new

and different in the court system. He said his comments are not an attack on any judge; that all work hard and care deeply. His comments regard justice. He said we need to consolidate and streamline the courts, and that we are in the right place to try to make change. In his experience, he has only had evidence suppressed two times, and when it was, it was improperly suppressed. The non-lawyer judge didn't understand the burden of proof needed to prevail on the issue. In other cases, motions have been denied without explanation, which is not how it should be done. Far more often, entertaining motion practice will lead to a nightmare for your client in the form of a denial without reason and poor trial prospects; that if we push the envelope, the envelope will push back.

He as seen one comment from a local justice in the task force's record that most cases wind up pleading out, which doesn't make one feel good about the direction of justice. Rules of evidence are complex even for lawyers, so we can't expect someone who hasn't been to law school to do that. He also referred to Judge Rowley's concerns regarding lay-justices handling cases, and concurs with his comments and with the comments provided today.

The issue of fragmentation of justice is not restricted to non-lawyer judges. He has heard from one judge who has said he doesn't reduce traffic penalties, which reflect what the village wants. He said that's not justice, but mean-spiritedness. Having a V&T part would prevent this kind of inconsistency. It is done this way in Long Island and it works.

With the number of apartments in the County being influenced by nearly 30,000 students, he suggested a special housing part to handle those cases, and that would focus scrutiny on bad landlords.

He suggested that all forms of addressing the disjointed, inconsistent court system should be on the table.

William Highland was introduced. He cited Justice Potter Stewart in North v. Russell, who said a trial judge must make sure justice is ensured in every aspect, whether taking a plea, handling aspects of the trial such as suppression hearing, advising defendant of his rights, instructing a jury on objections, etc. He has had personal experience with a local justice who clearly did not know how to rule on objections, and turned to the prosecutor for direction. He said Justice Stewart predicted that tendency in saying that a judge will instinctively turn to the prosecutor for advice.

He said that the speakers aren't trying to be elitist. Referring to a comment from a local justice at the last meeting, he said that if attorneys are members of a guild, it is a guild based on knowledge. Attorneys went to law school and spent time acquiring necessary legal knowledge. A lay justice simply cannot have the same kind of competence a lawyer-judge has. Justices have a modicum of training from the State, but that is not equivalent to three years of law school and passing the bar exam. He said the Stewart case involved a lay justice who was a Kentucky coal miner—and that we see people from all walks of life serving as lay judges and they try to do their best. However, we don't trust just anyone to perform medical services—we trust doctors. We don't rely on the good intentions of a lay person to perform medicine. It's the same as other professions. If you acquire a certain body of knowledge, you qualify to do the job; if you don't, you're not.

Justice Stewart noted there is not constitutional distinction between a trial run by a lawyer or lay judge. We know that town justices resist a change. But a justice can judge his own competence or bias. He suggests something needs to change.

Lastly, he said town and village courts are peopled by defendants and civil litigants who don't have much money. As a matter of equal protection of the law, as well as due process, we owe these people justice through competent judges.

Jane Murphy was introduced. She was the Enfield justice between 2000 and 2004. She graduated from Cornell Law in 1992 and served in Queens County's DA office for three years.

In 2007, the special commission on the future of NYS courts, which included several justice court judges, conducted several statewide hearings and visited numerous town and village courts to gather information on the justice courts from a wide range of perspectives. In 2008, the commission delivered its written report detailing its ideas for reforms in the justice courts. A key recommendation was that reform be considered on the local level.

This report followed significant assistance to the local courts to help the courts come into compliance with minimum processes expected in the modern court system. Some of the most visible changes were the mandated recording of all proceedings, and providing tech assistance to effectuate that; requiring the local judges to be responsible for the assignment of counsel with 24 hours of arraignment; and appointing an administrative judge in each county to work with the local judges. Access to training was expanded and security was improved by providing magnetometers (although personnel was not adequate to operate the equipment).

The 2008 report concludes the State has reached its limit for providing meaningful alternatives and assistance to the justice courts. The suggestion therefore became justice courts be addressed at the local level, which is what the task force is doing.

At the same time, NYS has called for the review and sharing of local services. In Tompkins County, we have a long history of shared services such as water, youth services. We are a leader in shared services, as we are in these hearings.

Changes have also occurred in the culture of the court and community. Problem-solving, specialized, and monitoring courts have been started in Tompkins, with a universally positive response. Community safety is promoted with increased case management and oversight. Offenders are held accountable and are viewed as community members who work for employers, have families who work and who are invested in the community, and have children and grandchildren in our schools and are affected by what goes on in the life of the offender. The system does not minimize the right to a trial.

The best practices and best knowledge of how to keep the community safe and promote the kind of culture we want to see, and when it is appropriate, how to ameliorate negative behavior, have monitoring and compliance courts regularly have offenders report to have judicial compliance reviews and review of services offenders are mandated to participate in. Ms. Murphy provided the following list

of such courts: felony drug treatment court, Ithaca City community treatment court (which takes misdemeanor-level cases from outside the city), integrated domestic violence court for family and criminal cases (felony or misdemeanor) that avoids multiple courts and proceedings, sex offender monitoring and compliance court to provide oversight of adjudicated sex offenders. In these courts, various professionals from multiple disciplines such as probation, mental health, social services, drug and alcohol counselors, and victims advocates are active participants in the management of the offender's case. The justice courts can't provide this level of support nor the multiple disciplinary team approach. The approach makes a difference to the offender and the community.

Other matters before the courts are similarly important—it's not just criminal cases. Evictions are highly specialized and are serious matters for landlord and tenant. Based on her experience as a justice in Enfield, neither the landlord nor tenant wanted to be in courts. The court served as a venue to restore relationship between landlord and tenant and resulted in the eviction being avoided. An integrated countywide part for evictions could make the process more streamlined, consistent, and more accurate and predictable. Often, there are problems with eviction paperwork, which must be perfect because it is a summary proceeding. Also, NH Legal Services or Section 8 can't attend all of the town and village proceedings.

Vehicle and Traffic Law cases could also be handled through a streamlined court; the same is true for small claims, animal control, and parks. Generally, she believes our population is comfortable with diverse mode of providing services, and is comfortable with working at the county level. She believes change must happen, and that the population would welcome the changes she has suggested.

Mr. Schlather asked the task force members if they have questions for the speakers.

Mr. Leifer thanked the panelists for their testimony and said he has had similar experience in the local courts to those described by the speakers.

Mr. Schlather asked each panelist what operational changes they believe could render the process more efficient and more fair (other than having lawyer-trained judges).

Ms. McCarty suggested that increasing clerk hours would increase fairness. Because these are funded by individual towns and villages, the clerks' hours depend on how much the local governments are willing to give. Additional daytime hours and allowing partial payments would make a big difference. Coordinating the hours courts are open would also help.

Ms. Damm suggested having full time clerks available during business hours would make it efficient for even per se individuals to know where to send fines and understand the process. Having electronic records accessible to attorneys, and using email to distribute documents such as pre-sentence reports, depositions, etc would help. Scheduling needs to change. Having five courts in session at the same time on Monday nights makes it impossible for the jail and attorneys to cover at the same time. Overtime costs at the jail would go down if transport wasn't occurring from 3-9 on Monday nights. There is a need to be cognizant of city court, family court, and IDV court times as well.

Mr. Shiffrin agreed that the prior suggestions are important. He noted in one of his footnotes that the training of the judges relate to Judge Schlee's comments to the task force, which suggested social work training for judges. He said that while clinical certification is not required, lay and lawyer judges as well as attorneys, need greater training on what it means to be poor, what the impact of fines and fees are, what the circumstances in which jail sentences actually help public safety, the collateral consequences of convictions in terms of housing, employment and welfare, training in dynamics of domestic violence and drug and alcohol addiction. He is not confident that this kind of training is occurring for judges and attorneys, and that it would be worthwhile.

Mr. Salton said any of the operational changes, or court changes, that he talked about would apply whether or not the judge is a lawyer. He still thinks we need an arraignment, motion, and trial part. To maximize the people we have, there is a need to divvy up the task. Our task force should talk to OCA about crafting a solution and to the justice court system about ways to improve the system without having to change the constitution.

Mr. Schlather noted that the President of the State Magistrates Association will be appearing in November and that we will try to engage OCA.

Mr. Highland said that he tried to use the removal process to transfer a case from a lay-judge to a lawyer judge, but got nowhere. The response from the DA was that we can't afford this, and the judge essentially acquiesced and the transfer didn't occur.

Ms. Wilkinson said she has many questions, but not enough time to ask them all. In hearing that justice courts are not well organized in a way that is convenient to attorneys and clients, and that the justices are biased in favor of the People and defer to the DA regarding procedure, she asked whether justice goes off the rails in the justice courts as a result of the lack of education, or structural impediments that we could change, or because of something endemic in the general dynamic of our legal system. If there is a problem, can it be fixed by reorganization, by training and education, or can it be fixed at all?

Ms. McCarthy added that oversight and accountability could be among the solutions.

Ms. Wilkinson said her question may be considered a comment. She is hearing a theme that is asking whether town and village courts are delivering justice, and would like to know if the cause is structural, educational, or some other factor.

Mr. Shiffrin said that we should expect rural locations to be generally less defense oriented than a city court. The Dunne Commission concluded that the lack of knowledge of lay-judges is a statewide problem, and therefore recommended a removal procedure that corrects some of the things Mr. Highland discussed. This is consistent with the opinions of the other organizations he talked about earlier who recommended that lawyer-judges will make the situation better.

Ms. McCarthy said there are systemic problems in the State's criminal justice system that have nothing to do with the justice courts. However, in the justice courts, there is not enough administrative support for the justices with respect to education, staffing, clerk's hours, monies used for physical facilities—and

those make it difficult to access justice and for the courts to do a proper job. Also, these courts are viewed as some kind of ancillary system that doesn't operate within any kind of administrative oversight or hierarchy like the more formal court system does. These courts meet at odd hours that aren't conducive to attendance by DA or other attorneys, and are staffed by part time judges and clerks. The fact that court is held when DA is not able to be there means that most of the appearances in criminal cases are unproductive.

Mr. Salton said that the lack of education cannot be fixed through training.

Taking the notion of a district court off the table for the purpose of his question, Mr. Schlather asked how much time the speakers would save if improvements were put in place such as electronic records, centralized booking, coordinated scheduling, and similar efficiencies.

Ms.Murphy said the question was hard to answer and that her comments were directed to other types of improvements. Given the nature of her work, the improvements wouldn't have large impact.

Ms.McCarthy said it would be minimal; that the large time expense is travel and waiting during unproductive court appearances.

Ms. Damm said these kinds of efficiencies would save 15-20 hours per week.

Mr. Salton said that he works in an area that already has electronic records, and believes it would be great if it could be implemented in the justice courts and that Ms. Damm's estimate seems right.

Mr. Highland said he would be willing to spend the time if we had lawyer-judges.

Mr. Shiffrin noted that one item that hasn't been mentioned is that unlike City court, not all justice courts won't provide the defense attorney with the criminal record. The DA gets these records, but the defense attorneys don't. Ms. Wilkinson asked where the DA's are getting the rap sheets, noting that her office doesn't produce them. Mr.Shiffrin said he'd appeared in Dryden, where the information is not provided. In that instance, the ADA did have the record, that the judge asked him to share with Mr. Shiffrin.

Ms. Murphy said the one thing she would change is to have random and equal docketing in the town courts, as they do in the City court. There is no system for random assignment of cases by the clerk.

Mr. Schlather thanked the speakers for their insightful comments, and that he hopes there is no retaliation toward anyone. He said that our goal is to gather as much information and data as possible in order to arrive at the best decisions.

He asked the committee whether we'd added value tonight. All answered affirmatively.

The meeting was adjourned at 6:20 p.m.