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November 1, 2011

VIA E-mail and U.S. Mail

Executive Committee
Agenda Item #10

Vincent E. Doyle, III
President, New York State Bar Association
Connors & Villardo, LLP
1000 Liberty Building
Buffalo, NY 14202

Re: Report of Subcommittee on Court Re-organization slated for
consideration by NYSBA's Executive Committee on
November 4, 2011

Dear President Doyle:

Thank you for inviting comment from the Judicial Section of NYSBA on the September 6, 2011 Report of the Subcommittee on Court Re-organization ("the report"). We deeply appreciate NYSBA's efforts to seek our input on issues of importance to the judiciary and the people we serve.

At our quarterly meeting on September 16, 2011, I distributed a copy of the report to members of the Judicial Council ("the Council"). As you know, the Council members include the heads of the various judicial associations. A copy of the report also was mailed to Council members on September 21, 2011. Because we understand that NYSBA's Executive Committee intends to consider and vote on this report at its November 4, 2011 meeting, on an accelerated basis I sought comments on the report from our Council members.

At the outset, the Council members expressed grave concern over the extremely short time given to review and comment on a report that recommends sweeping, wholesale structural changes to our court system. Both the Supreme Court Judge's Association of the City of New York, Inc. and the Association of Justices of Supreme Court of the State of New York urged NYSBA to delay consideration of the report to allow additional time for examination of its ramifications. In the meantime, I received many verbal comments and some written responses to the report from judges throughout the State. A copy of each of the written responses is attached.

Overwhelmingly, the judges of this State do not support the recommended changes.¹ The report lacks any current data demonstrating that the proposed changes will result in any economic savings to the State or litigants. The report lacks evidence that the proposed changes will reduce litigation delays in each -- or even several -- of the affected courts. The report fails to provide any details about the practical effect of the proposed changes on the rights of voters, judges and litigants. The subcommittee itself acknowledges that NYSBA does not have but will need "concrete details" about the impact the proposed re-organization will have on the State "including at a minimum," proof of "actual and significant savings to the State budget," specifics as to how the new model [will] operate," and the level and nature of current support.

Our judges also oppose the recommended changes because they significantly diminish the likelihood that the most qualified judges with the greatest relevant experience will be elected and/or positioned to serve on the various "divisions" to be created by the Office of Court Administration ("OCA"). Finally, the recommended changes weaken the electoral rights of the public to select the judges who will serve in their local communities.

What the report recommends

The report recommends:

- 1) consolidating the Supreme Court, Court of Claims, County Court, Family Court and Surrogate's Court into a single Supreme Court;
- 2) consolidating the New York City Civil Court, New York City Criminal Court, Upstate City Court and Long Island District Court into a statewide District Court;²
- 3) empowering OCA to create separate "divisions" of the Supreme Court "to include a commercial division, criminal division, family division, public claims division, probate division, tort division and a civil division;"
- 4) not changing the manner in which judgeships are filled;
- 5) abolishing the population cap that limits the number of Supreme Court justices per judicial district;
- 6) creating a Fifth Department for appeals;
- 7) creating a coalition to advance the proposed changes and launching a campaign to encourage New York State to implement the proposed changes;

¹ Although the Association of Judges of the Family Court of New York wrote in general support of the proposal, several areas of concern also were expressed.

² The report expressly excludes any recommendation that town and village justice courts be consolidated or merged.

- 8) collecting concrete data to demonstrate that the proposal will result in actual and significant savings to the State budget; and
- 9) identifying specifics as to how the new model will operate.

What specific problems the report identified

The report cites as justification for its proposals New York's "fragmented and complex court structure" but identifies only two examples of inefficiencies. Notably, each of these problems can be addressed short of court re-organization.

First identified is the constitutional requirement that injured individuals, businesses and government bodies litigate cases in both the Supreme Court and the Court of Claims whenever the state and a non-state actor are named as parties in certain disputes. Fortunately, in practice, the shortcomings of this requirement are often curtailed because the parties in the companion lawsuits agree to stay one action pending resolution of the other and agree to consolidate discovery for use in both actions.

The second identified inefficiency stems from the constitutional provisions that establish separate courts to address different aspects of family disputes involving domestic violence. Fortunately, these inefficiencies have diminished with the establishment of integrated domestic violence ("IDV") courts. Additional work is needed to expand the number of IDV courts and to adjust the nature and scope of IDV courts.

Although not identified in the report, inefficiency in the current court system arises from the constitutional provisions vesting the Supreme Court with jurisdiction to grant divorces and ancillary family relief including custody and support, while vesting Family Court with jurisdiction to decide custody and support matters when a divorce action is not pending. Some of these inefficiencies have been alleviated by administrative orders remitting matters of custody and support to Family Court after finalization of a divorce and certifying Family Court judges as Acting Supreme Court judges.

Lest there be any misunderstanding, the Judicial Section strongly supports NYSBA's efforts to explore, examine and promote measures to alleviate inefficiencies, reduce expense and minimize delays in litigation. The above examples show this is possible without wholesale reorganization of the courts. We believe the sweeping structural changes proposed by the subcommittee are vague and overbroad, fail to detail how the proposed changes will actually work, are not grounded on current economic statistics or other supporting data, do not recognize the economic costs to implement the proposed changes and fail to consider the delays and inefficiencies that necessarily will result from judges presiding over cases outside their areas of expertise.

What the report is missing

Notably, the subcommittee itself expressly recognizes that its recommendations lack supporting statistics, proof of economic savings, and concrete details. This information must be gathered and analyzed *before* NYSBA promotes any court re-organization plan.

The report fails to identify any specific inefficiencies in Supreme, Surrogate's or Criminal courts. It also fails to identify any specific inefficiencies in NYC Civil, NYC Criminal, Upstate City courts, or Long Island District courts. Without the identification of specific inefficiencies, it is impossible to correlate proposed changes with evidence showing elimination or reduction of particular inefficiencies. There are no details about how the new court systems will operate. There is no analysis of how the proposed changes will reduce delays.

The report contains no analysis of the correlation between the legislature's failure to authorize additional Family Court judgeships and the inefficiencies in Family Court resulting from dramatic increases in the number of broken families and the number of Family Court cases. Of course, the problem was compounded by recent budget cuts eliminating almost all judicial hearing officers.

The report not only fails to identify the economic savings of court consolidation but also fails to identify how the savings will be achieved. Will positions be eliminated? If so, how many? From where? When? The report does not analyze administrative costs of consolidation. Moreover, the report fails to consider organizational and cost-related changes that took place since 1998, such as the creation of IDV courts, creation of the Commercial Division, increased caseloads per judge, e-filing, increases in the number of judges, recent court staff layoffs, impending court layoffs, and recent cuts in the judiciary budget. This is not the time to recommend changes that necessarily will be administratively costly and that divert scarce resources from people who are doing the work of the courts to administrators making an entirely new system.

The report fails to consider how the proposed changes will increase inefficiencies and delays arising from the inevitable election of judges who lack the qualifications and experience necessary to fill a vacant or overloaded discipline or division. The successes of our courts herald in part from the relevant experience of the individuals who seek judicial office. Generally, lawyers run for judgeships in their respective areas of specialty. In other words, candidates for Surrogate's Court have trust and estate experience; candidates for Family Court practiced family law; candidates for County (Criminal) Court are former prosecutors or defense lawyers; and candidates for Supreme Court have civil litigation experience. Under the proposed system, judges will be fungible; they will be assigned based on need not experience. OCA has no control over who gets elected and can make assignments only from the available pool of judges.

The report, in not changing the manner in which judgeships are filled, does not address practical ramifications. Some Supreme Court judges will be elected from a single county for 10-year terms, some will be elected from a multi-county judicial district for 14-year terms, and some will be appointed to nine-year terms. Comparable selection rules would apply to District Court judges. The manner of selection would have no bearing on a judge's division assignment, pay or geographic assignment.

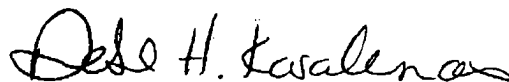
Here is an example of how the recommended changes would (not) work this election year in the 5th Judicial District. This year there are four Supreme Court openings in the six-county district. There also is an open Surrogate's Court seat in Herkimer County. There are ten candidates for the five seats. None of the candidates is an incumbent. Under the proposed rules, the ten candidates would

be running for five Supreme Court Justice seats. Some of the candidates would have to run in all six counties of the 5th Judicial District while some would run only in Herkimer County. Who would do what? Who would decide? Certainly we could expect many of the candidates to want to run for the former Herkimer County seat to avoid the time and economic burden of running in six counties. This is especially true because the net result for each winning candidate would be the same: each winning candidate -- no matter whether they ran in one county or all six -- would be a Supreme Court Justice who could be assigned to serve anywhere in the 5th Judicial District -- indeed anywhere in the State of New York -- and in any judicial capacity.

In this example, another consideration is the experience of the candidates. Only two of the ten candidates have any Surrogate's Court experience. If neither of those candidates won the election, who would be assigned to the vacant Surrogate's Court seat in Herkimer County? What if a person with Surrogate's Court experience won, but was from a distant county within the 5th Judicial District? Would the Surrogate's seat remain vacant? Would that candidate (or some other) be asked to move? If so, for how long? Who would decide?

NYSBA is right to examine and analyze our current court structure and to make recommendations to promote court efficiencies and economic savings. However, NYSBA should not ratify the report simply because consolidation is in vogue and the legislature may be inclined to support it. The report is not grounded on current facts, data or statistics and leaves too many questions unanswered. On behalf of the Judicial Section, I urge the Executive Committee to delay consideration and adoption of the report.

Respectfully submitted,



Deborah H. Karalunas
Presiding Member, Judicial Section

cc: Members of the NYSBA Executive Committee
Hon. Paul G. Feinman
Hon. Rachel Kretser
Hon. Ellen Spodek
Hon Leland G. Degrasse
Patricia Wood, Liaison to Judicial Section



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HIGHLY IMPORTANT AND TIME SENSITIVE

TO: New York State Bar Association, Judicial Sections Council of
Judicial Associations

FROM: Hon. Deborah H. Karalunas

Received
Chambers
Hon. Deborah H. Karalunas

Re: Court Reorganization

SEP 26 2011

Date: September 21, 2011

Supreme Court
Onondaga County

The Judicial Section has been asked to review and comment on the September 6, 2011 sub-committee report emanating from NYSBA's Committee on Court Structure and Operations. A copy of the report is attached. The report recommends sweeping changes to the structure of our courts. It is my understanding that NYSBA's Executive Committee intends to consider and vote on this report at its November 4, 2011 meeting.

I commend NYSBA for seeking our section's input *before* the Executive Committee considers the report. It is crucial that we respond. Because our members may not stand united on the subject matter, at this juncture, I intend to receive, review, summarize and submit all pertinent comments.

Please distribute the report to your respective members and provide me with your council's written comments on or before October 14, 2011.

Thank you for your consideration of this very important matter.

NYSBA Committee on Court Structure & Operations

Report by Subcommittee on Court Re-organization

September 6, 2011

I. Introduction

Under its Stated Purpose, the Committee on Court Structure & Operations (the "Committee") is charged with "review[ing] issues and proposals regarding the structure and operation of the state court system" and submitting any report and recommendation as directed by the President.

In accordance with that Stated Purpose, the Committee formed a subcommittee to study the issue of re-organization of the courts of New York State (the "Subcommittee") -- a subject that practitioners, scholars, and commentators have studied for decades in hopes of alleviating inefficiencies in the current court structure that have long been obvious to those who work in the court system, those who practice there every day, and litigants who come in contact with the court system.

Most recently, in 2006, then-Chief Judge Judith S. Kaye appointed a special commission, chaired by Carey R. Dunne, to study New York's court structure and recommend change ("the Dunne Commission"). In 2007, the Dunne Commission produced a detailed report, which concluded that the fragmented and complex court structure imposed unacceptable costs and hardships upon litigants, lawyers and the public. For example, the current structure requires injured individuals, businesses, and government bodies to litigate cases simultaneously in the Supreme Court and the Court of Claims whenever the state and a non-state actor are named as parties in certain disputes. It also requires that families in crisis run from court to court when a single problem is fragmented among the Supreme Court, the Family Court and a criminal court, for separate adjudication of matrimonial, custody and domestic violence matters.

More fundamentally, the current court structure creates inefficiencies that waste not only the time of judges, lawyers and litigants, but also waste already limited state funds.

II. Position of the New York State Bar Association

In April 1998, the House of Delegates of the New York State Bar Association ("NYSBA") passed a resolution adopting an official position in support of reorganization, which included the following five recommendations:

- The nine major trial courts should be consolidated into a two-tiered system with the present Supreme Court, Court of Claims, County Court, Family Court and Surrogate's Court to be merged into Supreme Court and the New York City Civil Court, New York City Criminal Court, City Court,¹ and District Court to be merged into a statewide District Court.²
- Instead of a constitutional provision mandating separate divisions of Supreme Court, any merger plan should provide that the Chief Judge and the Office of Court Administration ("OCA") establish such divisions as are necessary, to include a commercial division, criminal division, family division, public claims division, probate division, tort division, and a civil division to cover other matters.
- All judicial positions affected by the court reorganization should continue to be filled by election or appointment as they are under existing law.
- The population cap limiting the number of Supreme Court Justices per judicial district should be abolished.
- A Fifth Department should be established consistent with prior positions adopted by NYSBA.

The Subcommittee has reviewed those recommendations anew, and concludes that they express a policy that continues to be as valid and relevant today as it was in 1998.

As to the recommendation that the Chief Judge and OCA determine what specific separate divisions of the Supreme Court should be established, the Subcommittee concludes that the Committee should advocate implementation of the recommendation in a way that leaves to the Chief Judge and OCA which particular divisions to create for any particular county's Supreme Court. The Subcommittee discussed the Dunne Commission's recommendation that these divisions be set forth in the constitutional amendment but rejects that proposal as being too restrictive.

As discussed below, the Subcommittee recommends that the Committee and NYSBA support a campaign to encourage New York State to implement these recommendations. Given the scope of these recommendations and the resources that will likely be needed to launch such a campaign, the Subcommittee recommends that

¹ The "City Court" refers to the City Courts outside of New York City. Dunne Commission 2007 report at 10, 71-75.

² See illustration at Appendix A.

the Committee not attempt to address at this time issues relating to merger or consolidation of town and village justice courts. In a September 2008 report, the Dunne Commission made a series of recommendations to improve these courts that do not require constitutional change.

III. NYSBA's Role

The Subcommittee believes that NYSBA should serve as the catalyst for change such that the court system operates more effectively and economically for the public benefit. The Subcommittee believes it is incumbent upon NYSBA to be the leader of efforts to achieve the stated policy goals, and the goal of an effective re-organization of the courts is no exception.

To that end, the Subcommittee recommends that NYSBA create a coalition to advance the five recommendations for re-organization. Members of that coalition should include, but not be limited to, non-profit organizations which have long supported court improvement measures, such as the Fund for Modern Courts, the League of Women Voters and the Citizens Union; members of academia, including the deans of New York law schools; leaders of the business community; and other respected leaders of the legal profession. As an initial step, NYSBA should act promptly as convener of the coalition.

We recognize that the successful campaign to bring constitutional change to the manner of selection of Judges of the Court of Appeals required significant funding from private contributions. It is fair to project that this new proposal, broader in scope than that previous one, also will require substantial funding from private sources.

IV. Landscape for Reform

The campaign to re-organize the courts will be a major endeavor, and therefore must have the support of State government leaders. To make the case for reform to the Governor, the Chief Judge, and the leaders of the Legislature, it will be important for NYSBA to provide concrete details about the impact re-organization will have on the State, including, at a minimum:

- a credible case for actual and significant savings to the State budget;
- specifics as to how the new model would operate, and not just high-level organization charts; and
- which important stakeholders and communities support the effort and where further outreach and effort is needed to bring others along.

The Subcommittee believes that the campaign for court re-organization must acknowledge the current budgetary environment and the present weakness in the economy. Indeed, these current fiscal challenges should be a strong factor in favor of reform because court re-organization will make more efficient and effective use of State government funds and provide overall productivity enhancement savings statewide for municipalities, businesses, and individuals.

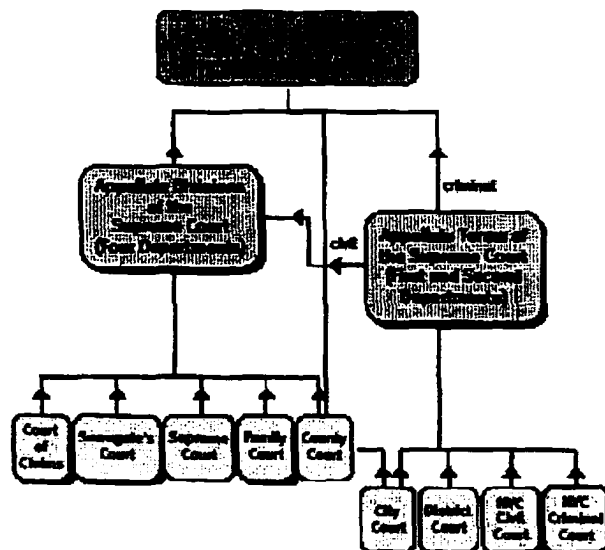
The calculation of savings attributable to reorganization listed in the Dunne Commission's 2007 report serves as a starting point. The Subcommittee will explore means to verify those and other projected savings.

V. Schedule

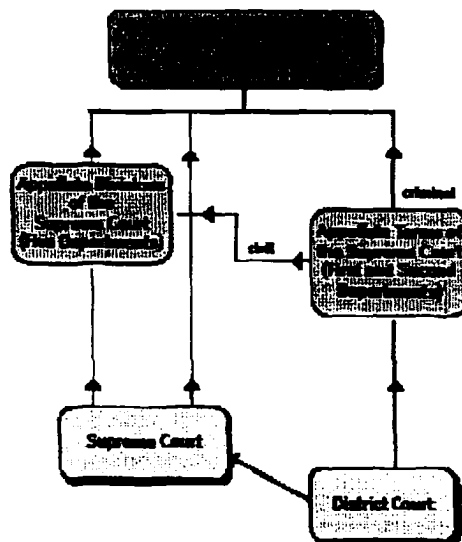
To achieve first legislative passage of a constitutional amendment in 2012, with a view to second passage in 2013 and submission to the voters later that year, it will be necessary for NYSBA to reaffirm its 1998 position and to make a commitment to a strong leadership role at its November 2011 Executive Committee and House of Delegates meetings. With those measures in place, NYSBA then can organize a coalition of committed and active proponents of reorganization and convene them to structure a campaign to "go public" with a Spring 2012 launching. (As for the Committee's work, a critical review of this draft with input at the September 8, 2011 meeting would permit a finalized report to President Doyle and the Executive Committee in late September or early October to allow sufficient vetting prior to the November meetings).

Appendix A

Figure 6 NEW YORK: CURRENT STRUCTURE



NEW YORK: PROPOSED STRUCTURE



Note: Town and Village Courts and direct appeals excluded; in the Third and Fourth Departments, criminal appeals from the City Court proceed to the County Court and can be further appealed to the Court of Appeals.

A Court System for the Future, February 2007

109

Source: Dunne Commission 2007 report at 109.

Received
Chambers
Hon. Deborah H. Karakinas

**THE SUPREME COURT JUSTICES ASSOCIATION
OF THE CITY OF NEW YORK, INC.**

SEP 29 2011

**Supreme Court
Onondaga County**

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September 27, 2011

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Vincent Edward Doyle, III, Esq., President
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Re: Report of NYSBA's Committee
On Court Structure and Operations Report.

Dear Mr. Doyle:

I am the President of the Association of Supreme Court Justices of the City of New York. On behalf of our association, I am respectfully requesting that you delay the Executive Committee's vote on the NYSBA's Committee on Court Structure and Operations Report dated September 6, 2011.

It is clear that more time is needed to review the report and to examine the ramifications of the implementation of the recommendations and the effect they will have on the court system, attorneys and litigants. Also, our association would like to examine the impact on the public fisc of the recommended court restructuring. The last time restructuring was contemplated in 1998, I believe that many concluded that there was a resulting great cost to the State. I would request that the Executive Committee's vote be adjourned to the April 2012 meeting, and if this is not possible, at least to the January 2012 executive meeting.

I know that the State Bar and its Executive Committee will welcome substantive comments. The City Association in conjunction with the State Association of Supreme Court Justices is presently forming a committee to study this matter and will gladly submit our findings to the Executive Committee before the requested adjourned date should you honor this request.

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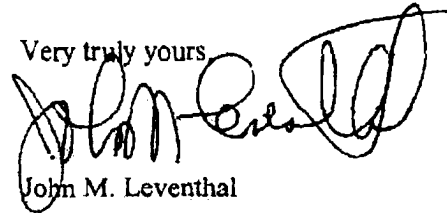
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*Retired
**Deceased

September 27, 2011

Thank you for your courtesy and prompt attention to this request.

Very truly yours

A handwritten signature in black ink, appearing to read "John M. Leventhal", written over the typed name below it.

John M. Leventhal

JML:eag.

c.c. Hon. Deborah Karalunas ✓
Presiding Member of the
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Hon. Phillip R. Rumsey, President
Association of Justices of the Supreme Court
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October 11, 2011

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New York State Bar Association

401 Montgomery Street, Room 401

Syracuse, New York 13202

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Town Justice, Champion

HON. DAVID A. MURANTE
Town Justice, Ogden

Re: Court Reorganization

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Town Justice, Liberty

Dear Justice Karalunas:

Executive Director/Secretary
HON. TANJA SIRAGO
Town Justice, Cairo

I wanted to join you in thanking the New York State Bar Association for soliciting comment from the Judicial Section and its various constituent Associations to the Court Reorganization Plan which was the subject of your September 21, 2011 memo.

Directors

HON. JOYCE A. MAHONEY
Town Justice, Seneca Falls

As President of the New York State Magistrates Association, I represent the approximately 2,100 Town and Village Justices who preside over the approximately 1,250 locally funded courts which exercise jurisdiction over civil, criminal, landlord/tenant, and vehicle and traffic cases throughout New York State.

HON. KEVIN J. ENGEL
Town Justice, East Greenbush

HON. WILLIAM F. FRANKS
Town Justice, Stony Point

HON. THOMAS L. SCHROEDER
Village Justice, Ballston Spa

To the extent that the 1998 resolution passed by the House of Delegates suggests the creation of a statewide District Court, our Organization would unalterably oppose such a recommendation. Our Association would also take issue with the conclusion reached by the Subcommittee on Court Re-organization in its September 2011 memo, that the policy expressed by these 1998 recommendations (at least, as to the Town and Village Courts) was "as valid and relevant today as it was in 1998."

HON. LINDA A. BEDARD
Town Justice, AuSable

HON. TIMOTHY E. COX
Town Justice, Olive

HON. WILLIAM PRICE, JR
Town Justice, Southold

HON. JOHN P. TEIXEIRA
Town Justice, Niagara

HON. SHERRY R. DAVENPORT
Town Justice, Summerhill

By way of historical perspective, it might be noted that then Chief Judge Kaye had initially empowered the Dunne Commission to look into the issue of Court reorganization and later expanded that role to include a review of the Town and Village Courts.

HON. DAVID S. GIDEON
Town Justice, DeWitt

HON. HERBERT NEEDLEMAN
Town Justice, Richmondville

HON. MICHAEL A. PETUCCI
Town & Village Justice, Herkimer
AVJ Ilion

At the same time, the then Chief Judge, prepared and enacted into law, the Action Plan which was devised to provide immediate assistance and resources to the Town and Village Courts and that Action Plan continues to strengthen these courts in concrete ways to date.

Immediate Past President

HON. H. JOHN KRAMER
Town Justice, Delaware

The changes implemented by the Action Plan, included:

- (a) The appointment of one or more Supervising Judges for the Town and Village Courts in each Judicial District in order to provide advice on operations and a vast variety of other issues.
- (b) The requirement that all Justice Court proceedings be recorded and that modern digital recording devices and training be provided to all Justices and Clerks to ensure that such recordings take place.
- (c) All Town and Village Courts were also given the latest technology and support personnel necessary to be brought into the State Judiciary information technology infrastructure.
- (d) The redesign of the Justice Court Web Site to provide Judges and Court Clerks with easy access to a wealth of information about all aspects of the Local Courts.
- (e) Access to interpreters.
- (f) A rethinking and redesign of the training of new Justices, the assessment of Justice training and continuing Judicial training.
- (g) Expansion of the Town and Village Resource Center to provide Justices and Clerks with confidential legal advice on all aspects of the criminal and civil law.
- (h) The enhancement of the legal resources available to the Justices in each Courthouse.
- (i) The utilization of the Justice Court Assistance Program ("JCAP") to provide direct monetary assistance necessary to address deficiencies in the physical and security needs of the Justice Courts.
- (j) Strengthening of the Financial Practices and Controls, including the acceptance of credit card payment for fines and fees, the expansion of local and state audits and increased compliance monitoring.

While the above list is by no means as extensive as the actual changes brought about by the Action Plan, I believe it makes the point that today's Town and Village Courts are far better and far different from their 1998 counterparts and any assumption by the subcommittee on Court reorganization that these courts should be eliminated is clearly erroneous.

This, in fact, was the very conclusion reached by the Dunne Commission and reiterated in the 2008 Report to the Chief Judge and Chief Administrative Judge in the Two Year Update on the Action Plan by Lawrence Marks and Ronald Younkins. As they saw it (at page 1), the Action Plan "...was designed to work within the existing legal framework, without the need for structural reform."

In the opinion of our Association, the Town and Village Courts have far exceeded the goals set by the then Chief Judge and they continue to serve the needs of millions of New Yorkers with a competent, local and responsive system of Town and Village Courts.

In our opinion, it would be unthinkable to replace or duplicate an already existing and effective system of courts with a state-paid District Court system. On balance, any such reorganization would lose more than could possibly be gained in providing New Yorkers with accessible, cost-effective and local courts. It is for these and other reasons that any thought of restructuring the Town and Village Court system along the lines of the 1998 proposal before the subcommittee should be soundly defeated.

I trust that this is of assistance to the Bar Association and would be pleased to personally discuss these issues with them should they so desire.

My warmest personal regards,

Sincerely,


Hon. Peter D. Barlet, President
New York State Magistrates Association

PDB:kr

Cc: Patricia K. Wood, CSE



ASSOCIATION OF JUSTICES OF THE SUPREME COURT OF THE STATE OF NEW YORK

October 12, 2011

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Hon. Deborah H. Karalunas

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Hon. Deborah H. Karalunas
Presiding Member
Judicial Section, NYSBA
Onondaga County Supreme Court
401 Montgomery Street, Room 401
Syracuse, New York 13202
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OCT 14 2011

Supreme Court
Onondaga County

RE: COURT RECONSTRUCTION

Dear Justice Karalunas:

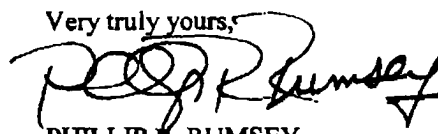
Thank you for your memorandum, dated September 21, 2011, with the attached report by the State Bar's Subcommittee on Court Reorganization. You are seeking written comments from various organizations by October 14, 2011. Given the enormity of the potential impact of this proposed amendment of New York's Constitution, our Association of Justices requested that the Executive Committee of the New York State Bar Association postpone its consideration of this measure to a date later than its meeting scheduled on November 4, 2011, to allow sufficient time for reasoned responses. In spite of the fact that the proposed reconstruction of the courts would directly affect all judges, and in particular the large number of Supreme Court Justices overseeing the primary court of original jurisdiction, our request was denied.

One stated reason for the denial was that the sweeping proposal "represents longstanding NYSBA policy." Without time for our Justices to provide a response that represents a meaningful consensus, I expect that we will oppose many of the concepts generally set forth in the report based on this Judicial Association's own longstanding position against financially wasteful, wholesale reconstruction of the judicial system. For the same reasons that these proposals failed more than a decade ago, the radical reconfiguration of the judiciary remains an unnecessary change of form, not substance, and a waste of precious resources. It appears, once again, that the recommended changes are of far greater magnitude, and have a much broader potential impact, than is necessary to correct any problems perceived by those promoting the changes.

We remain committed to recommend and support changes that will improve our system of timely delivery of justice in New York, while preserving the independence, integrity and tradition of our productive and historic courts. While not having benefit of precise language to review, I anticipate that this Association of Justices is likely to support many concepts, such as removing the limitation on the number of Supreme Court Justices, and there may be some common ground concerning the creation of a Fifth Department of the Appellate Division.

In light of the aggressive timetable for this agenda of the State Bar, our association will prepare to respond in substance to specific legislation to amend the Constitution.

Very truly yours,


PHILLIP R. RUMSEY
President

PRR:sh

"AN INDEPENDENT ELECTED JUDICIARY COUNTS!"



Association of Judges of the Family Court of the State of New York

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October 12, 2011

Hon. Deborah H. Karalunas
Onondaga County Supreme Court
401 Montgomery Street
Room 401
Syracuse, New York 13202

Re: Court Reorganization

Dear Justice Karalunas:

As per your request, I have emailed the proposal on court reorganization to the members of the NYS Family Court Judges Association and requested comments.

Based upon those comments the Association generally supports the reorganization proposal as cited in the September 6, 2011 report. Noting such, members of the Association have the following concerns:

-Family Court Judges are elected on a county-wide basis while Supreme Court Justices are elected on a district-wide basis. To ensure that county representation is continued throughout the State, legislation must clarify what is meant by Judges would continue to be selected "by election or appointment as they are under existing law." We support continued county-wide election for Family Court Judges or the newly created Supreme Court Justices positions.

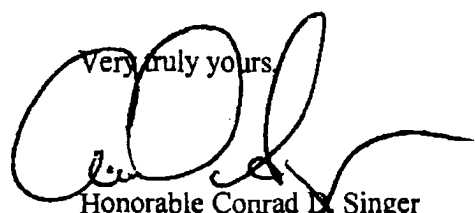
-The length of term for Family Court Judges is currently ten years while Supreme Court Justices serve for fourteen years. Term lengths should be addressed.

-Considering the State Courts' current fiscal constraints, such may allow for a consolidation of offices and services for a more effective operation.

As for the creation of a Fifth Department, we take no position at this time.

While brief, such reflects our Association's support of the proposal. If you have any questions or concerns, please feel free to call upon me.

Very truly yours,


Honorable Conrad D. Singer
President-NYSFCJA

By: Fax and Regular Mail

Deborah Karalunas - Court Restructuring proposal

From: Steven Forrest
To: DKARALUN@courts.state.ny.us
Date: 10/13/2011 8:37 AM
Subject: Court Restructuring proposal
CC: Cassata, Joseph; DiMillo, Thomas; Fria, Jo Ann; Gannon, Hon. John C.; Kretser, Hon. Rachel; Rosenthal, Kate; Turner, Hon. Matthew J.; Uplinger, Karen; Wilson, Daniel

As President of the NYS Association of City Court Judges, (& in my capacity as current President of the Chemung County Bar Association), I am sending this email to you in response to the court restructuring proposal calling for two-tiers of courts in New York State. I understand that the deadline for our input is Friday, 10/14/11. At this point, I can only say that there are too many unanswered questions in the minds of our membership as to how such a proposal, if enacted, would affect the daily operations of each court and whether same would be beneficial to each community that we serve. I have asked our Legislative Committee to examine this proposal in detail and to get back to me with their findings & recommendations. Thank you for your attention to this matter.

**THE SURROGATE'S ASSOCIATION
OF THE
STATE OF NEW YORK**

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October 25, 2011

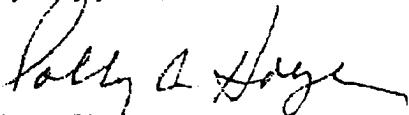
Deborah H. Karalunas, Presiding Member
NYSBA Judicial Section Executive Committee
Onondaga County Supreme Court
401 Montgomery Street, Room 401
Syracuse, NY 13202

Re: NYSBA Court Reorganization Proposal

Dear Judge Karalunas,

At a recent meeting of the New York State Surrogates Association, we discussed the report and recommendations of NYSBA's Committee on Court Structure and Operations. We want to thank you for reaching out to the judicial associations for our input prior to the vote of the NYSBA Executive Committee. After some discussion, a majority of our association members present at our meeting voted to oppose the proposed court reorganization, as presented in the Committee's report. While we agree that there are many facets of court structure and function that need improvement, the current proposal, as presented, is not a plan that our association would be able to support. We thank you for giving our association a voice and will be happy to work with NYSBA and other organizations to try to create a more practical and sensible approach to this important subject.

Very truly yours,



Polly A. Hoye
President, NYS Surrogates Association