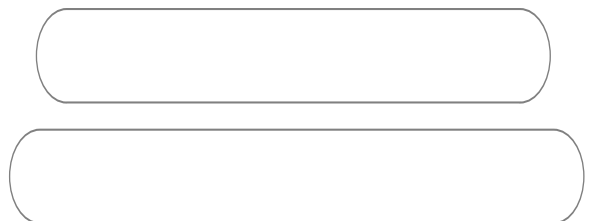
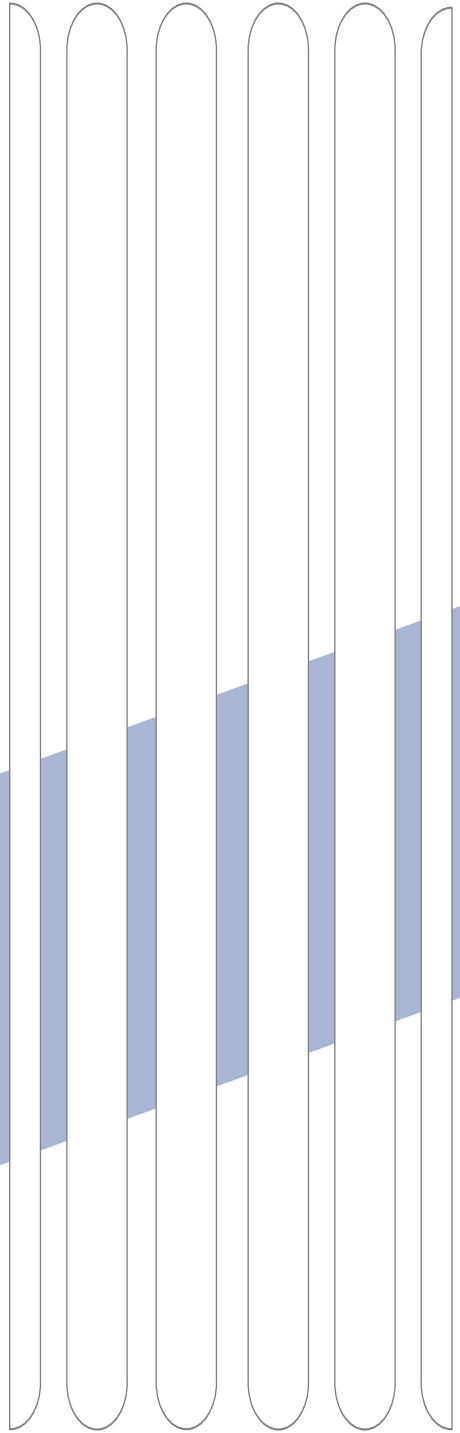


The Fund for Modern Courts

Dedicated to improving the administration of justice in New York State

**2001
Annual
Report**



It is impossible to reflect on 2001 without first extending Modern Courts' condolences and sympathies to all who have suffered during these tragic times. In many ways, it feels inappropriate to turn attention to daily tasks, yet we hear, and heed, the call to move forward.

The past year was marked by extraordinary growth and accomplishment. Our \$631,000 budget was by far the largest in the organization's history. We hired new staff, moved offices, and upgraded our technology. To capitalize on our growth, we hired Modern Courts' first-ever Development Coordinator.

Our legislative affiliate, the Committee for Modern Courts, pressed hard on several fronts. We lobbied in Albany, created and distributed a brochure summarizing our legislative positions, held outreach forums in Westchester, Albany, and New York City, and conducted attention-generating surveys of the candidates for the state legislature and the Mayor of New York City.

One particularly profound change merits special attention. In December, 2001, Modern Courts' Chair, Michael Cardozo, was appointed Corporation Counsel for the City of New York, and was required to resign from the Board. Michael's contributions to Modern Courts are too innumerable to mention. His insight, creativity, and energy will be sorely missed, but we take comfort in the knowledge that Michael's many talents will be brought to bear on behalf of so many New Yorkers.

The future holds many challenges for Modern Courts. The economy is nowhere near as robust as in the recent past, and the impact of the tragic events of September 11th is everlasting. The rule of law and the integrity of our courts have taken on even greater salience and prominence, and Modern Courts remains steadfast in its pursuit of the fair and impartial administration of justice.



Steven M. Zeidman
Executive Director

The John J. McCloy Memorial Award

The 2001 John J. McCloy Memorial Award was presented on May 14, 2001 to Victor A. Kovner, senior partner at Davis Wright Tremaine LLP.

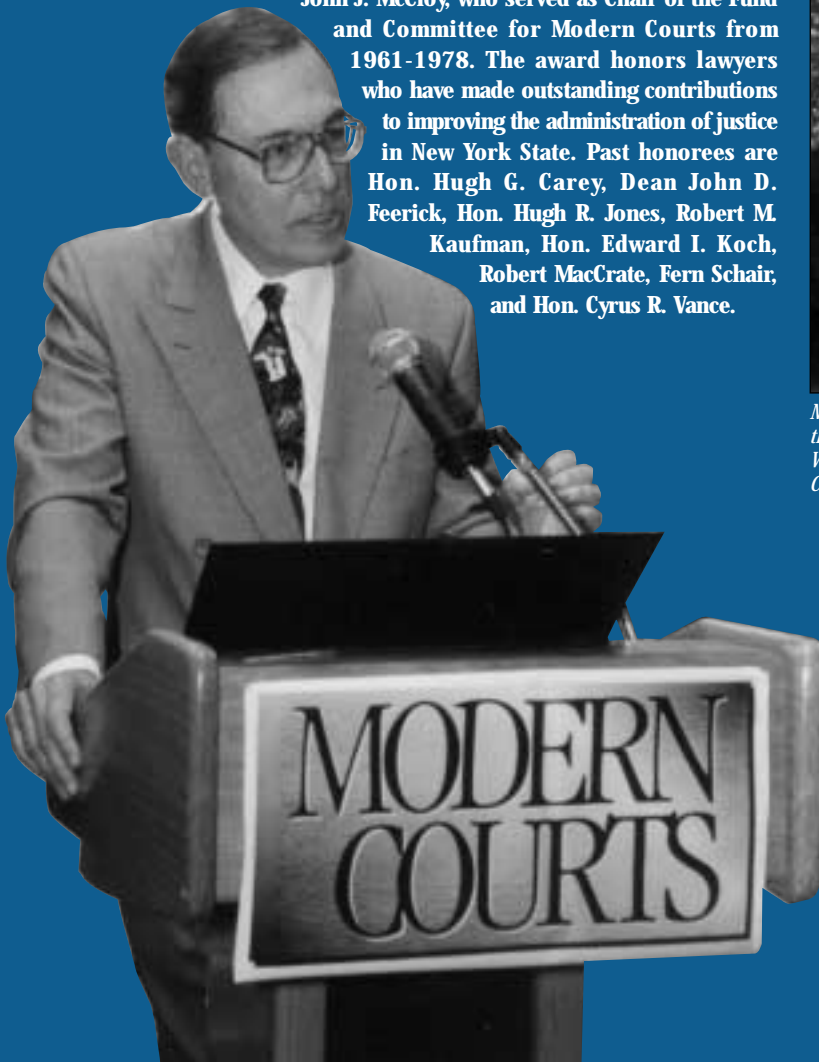
Victor has been a staunch advocate on behalf of the courts. He served as Vice-Chair of the Mayor's Committee on the Judiciary, Chair of the New York State Commission on Judicial Conduct, and as Corporation Counsel of the City of New York. Victor has also been a leader in the Association of the Bar of the City of New York, serving as Chair of the Committee on the Judiciary, and as Secretary of the Executive Committee. For more than two decades, Victor has worked tirelessly to improve methods of judicial selection, to preserve judicial independence, and to increase the efficiency and effectiveness of the courts.

Michael A. Cardozo, Chair of Modern Courts' Board of Directors, opened the evening's program, and introduced New York State Chief Judge Judith S. Kaye. Judge Kaye highlighted Victor's many efforts to improve the administration of justice in New York, and presented him with the 2001 McCloy Award. In accepting the award, Victor urged those in attendance to remain vigilant and steadfast in the fight for court merger and merit selection of judges. Thanks to the efforts of Event Committee Co-Chairs, Thomas J. Schwarz and Jeffrey G. Stark, the event was a great success as nearly 300 people gathered to honor Victor's exemplary public service career.

The McCloy Award is named in honor of John J. McCloy, who served as Chair of the Fund and Committee for Modern Courts from 1961-1978. The award honors lawyers who have made outstanding contributions to improving the administration of justice in New York State. Past honorees are Hon. Hugh G. Carey, Dean John D. Feerick, Hon. Hugh R. Jones, Robert M. Kaufman, Hon. Edward I. Koch, Robert MacCrate, Fern Schair, and Hon. Cyrus R. Vance.



New York State Chief Judge Judith S. Kaye with the 2001 John J. McCloy Memorial Award recipient Victor A. Kovner and Fund for Modern Courts Chair Michael A. Cardozo



Victor A. Kovner delivers his remarks.

The 2000 Duboff Award was presented on December 12, 2001 to the Capital District Court Monitors (CDCM). The CDCM have a long record of distinguished service. Their detailed, thorough, and comprehensive reports were instrumental in The Office of Court Administration's development of the new Rensselaer County Family and Troy City Courts. More recently, their report on the Schenectady County Family Court led to the formation of a court facilities task force. Not content to rest on their laurels, the CDCM are presently monitoring the Saratoga County Family Court. CDCM projects are noteworthy for the media attention they generate, and the tangible results they produce. The CDCM represent the best in non-lawyer, citizen participation in the administration of justice, and embody perfectly the spirit of the Duboff Award.

The Samuel J. Duboff Memorial Award recognizes non-lawyers who make extraordinary contributions toward improving the quality of justice in New York State. First presented in 1986, the award is named for the late Samuel J. Duboff, who served as Chair of Modern Courts' Executive Committee for 19 years.

Mr. Duboff was a partner in the accounting firm of Ernst & Whinney, and was a respected leader of many civic and social service organizations. He was well known for encouraging others to volunteer their time for community service. Members of the Duboff family remain active in the court reform effort, and Mr. Duboff's son, David B. Duboff, is a member of the Board of Directors of the Fund for Modern Courts.



Michael Cardozo presenting the Samuel J. Duboff Memorial Award to Helga Schroeter, Capital District coordinator and monitors Mary Ann Cleaves and Maxine Borom.

Albany Family Court graded

Judges lauded,
but facilities
raise concerns

By LAURA SUCHOWLEC
Gazette Reporter

ALBANY — Judges and court personnel received high marks but space and the conditions of the facilities got failing grades from an independent group that monitored Albany County's Family Court.

"The monitors reported that waiting rooms were overcrowded, courtrooms were overheated due to poor ventilation, conference space was nonexistent and the small size of hearing examiners' rooms raised security concerns, said Helga Schroeter, Capital District coordinator of The Fund for Modern Courts.

The home of Albany County Family Court — a cramped building on Van Tromp Street near the Capital Repertory Theater — was supposed to be a temporary one. But 12 years after moving there, Family Court still calls it home.

"You really have to see the place in the morning when all the clients of the court are waiting in the waiting area. It gets to be pretty crowded, and there is very little chance for privacy," Schroeter said. "The lawyers have to look for a little place in the corner to whisper to their clients."

"The monitors reported that waiting rooms were overcrowded, courtrooms were overheated due to poor ventilation, conference space was nonexistent and the small size of hearing examiners' rooms raised security concerns, said Helga Schroeter, Capital District coordinator of The Fund for Modern Courts.

A report released on Friday made a number of suggestions on how Albany County Family Court could be improved.

Housekeeping in the building left a lot to be desired in the eyes of the independent monitors who visited the Albany County Family Court between May and September 1998. (The monitors made follow-up visits shortly before writing the report, too.)

"The monitors were appalled by the conditions of the restrooms in the Family Court. By the middle of the day, such basic supplies as toilet tissue were gone and the rooms were a mess," Schroeter said.

The monitors also noticed basic safety hazards in the building, like flooding after heavy rains that makes the lower level of the building unusable and loose carpet in elevators.

"The monitors felt that such safety hazards and deficiencies in essential maintenance and housekeeping created an environment lacking in basic human dignity for litigants and staff," Schroeter said.

The county is in the process of renovating the Albany County Courthouse — a multimillion-dollar project which ultimately will include a new Family Court building connected to the county court.

The volunteer monitors — many of whom have no experience with the judicial system — sat through a wide variety of court proceedings for five months. People without knowledge of the courts can provide a fresh perspective on the system and give suggestions to make the courts more user-friendly, according to the 47-page report issued Friday on Albany County's Family Court.

The Fund for Modern Courts is a nonprofit, independent organization that has been monitoring courts across the state since 1975.

The report — based on the detailed findings by monitors — urges the county to do something about the space crunch and condition of the facilities. The number of petitions filed each year in Albany County Family Court continues to rise from about 1,500 in 1997 to more than 2,000 last year, according to the report.

"Unfortunately, there is no light at the end of the tunnel. The number of cases is not going to reduce," Schroeter said.

The county's three Family Court judges — who handle all child custody, paternity, visitation and juvenile crime cases, among other duties — all were praised by monitors. The monitors said the judges showed "Herculean efforts to protect families' interests in the face of inadequate resources."

The monitors didn't evaluate the judges for their decisions or legal knowledge, but focused on their demeanor in court, attitude toward the people who come before them as well as toward the court personnel, and their ability to control courtroom proceedings.

The report also urged the state Legislature to enact a proposal by Chief Judge Judith S. Kaye, top judge on the Court of Appeals, to merge the state's Supreme Court and Family Court.

That proposal is being tried as a pilot program in several counties across the state, and the Capital District Fund for Modern Courts wants it done in Albany.

Essentially, Family Court judges and Supreme Court judges would be the same. One benefit, advocates say, is that one judge could handle all the legal issues involving a single family — from a divorce to child support and visitation cases. Currently, all divorce issues are handled in state Supreme Court.

"The proposal would ensure that [Family Court] cases would no longer be relegated to a 'lower' court and that litigants would no longer be forced to suffer the indignities, inconveniences and lack of attention that result from the Family Court's current status as the 'stepchild' of the court system," according to the report.

The report also encourages the state Legislature to increase the pay for court-appointed lawyers who handle Family Court cases.

Panel urges improvements to county court buildings

By ANDREA BULMER
Gazette Reporter

COLONIE — Updating court facilities should be a priority, according to a panel of experts that included two state Supreme Court judges.

The panelists discussed court facilities in the 21st century on Thursday at a presentation in Colonie sponsored by the Fund for Modern Courts.

Over the years, many counties statewide have not kept up the maintenance of their court facilities and have recognized the need to update their conditions, said Nicholas Capra, a retired director of court facilities for the state Office of Court Administration.

Statewide 36 of the 56 counties have completed successful renovation programs, he said.

Albany and Rensselaer county officials have made substantial renovations to their court facilities. Troy officials plan to dedicate their newly rehabilitated city courts today, said Edward Spain, state Supreme Court justice.

Schenectady officials are in process of renovating their historic court house in the village, but have seemingly run into several problems. Since the project began, the cost has nearly doubled to more than \$7 million, reports

said. Schenectady County officials are also seeking to renovate their court facilities. Supreme Court Justice Vito Caruso, who spoke at Thursday's event, has been spearheading a planning committee to help efforts in Schenectady move forward.

The committee initially looked at several possible plans, but will likely recommend renovating the existing courthouse on State Street and building an addition onto the facility, Caruso said.

The facility has been estimated to cost anywhere between \$30 and \$40 million.

The additional space will allow city, county, state and family court to be under one roof, Caruso said.

Currently, county, state and family courts are located in the courthouse on State Street. The city's criminal court is located in the police station on Liberty street. City civil court matters are handled in separate court offices located in City Hall on Jay Street.

"The need has been long established, the time is now," Caruso said.

The committee has scheduled a public meeting to discuss the potential plans at 7 p.m. June 21 in the McChesney Room at the Schenectady County Public Library's main branch.

Family Court still lacking, report says

Albany Increased case volume has caused it to outgrow its home, court advocacy group says

By **KIM MARTINEAU**
Staff writer

Albany County's Family Court continues to be overcrowded even though steps have been taken to improve the overall cleanliness of the courthouse, a court advocacy group announced Friday.

When volunteers visited the court-

house in 1998, they found overcrowded waiting rooms, overheated courtrooms and a building in desperate need of basic housekeeping. In their assessment three years ago, they gave the county's judges and Family Court staff high marks, but found dirty bathrooms, frequently without toilet paper, rumpled carpet and flooding of the court's lower level during rainstorms, according to a report released Friday by the Fund for Modern Courts, a nonprofit advocacy group based in Manhattan.

Since the study was done, the flooding

problems have been fixed, the rumpled carpet replaced and the walls repainted, said Michael Perrin, director of operations. The county has boosted its custodial staff from three people to five and plans to replace the remaining threadbare carpets.

"The building gets an awful lot of traffic," he said. "The key is to stay on top of it."

When Family Court moved to 39 Columbia St. in 1990, it was seen as a temporary measure. Some 12 years later,

Please see **COURT 88** ▶

LETTERS TO THE EDITOR

Gazette helps court siting process along

I would like to commend the Gazette for its thorough, positive coverage of the recommendations submitted by the Schenectady Courthouse Siting Committee, chaired by Supreme Court Justice Vito Casruso. In addition to reports by Andrea Bulmer, the Gazette has also run two supportive editorials (May 25 and June 24).

This coverage, along with the very skillful and open process Judge Casruso has pursued to analyze the needs of the Schenectady city and county courts, has gone a long way to foster public support for a comprehensive plan that will address the demands for an efficient, modern judicial system, but will also preserve historical nuances of

our downtown and convey the sense of dignity which the court proceedings deserve. Combining city and county courts in one facility will add to the efficiency and cost-effectiveness of the system.

Modern Courts' volunteer court monitors have keenly observed and documented the urgent need for physical improvements in the family, county and city courts of Schenectady. These citizens have nothing to gain personally from their recommendations. They simply give of their time as concerned, impartial individuals who care about the quality of justice in their community.

The court monitors also consistently recommend that child

care could be available to the clients of the courts, particularly Family Court. Many people simply do not have the resources to provide for their own child care, and children should not be exposed to some of the disturbing proceedings in court; nor should the parents or guardians be distracted by restless children.

I urge the Gazette to continue its excellent coverage until successful implementation of the court and county office facilities plan has been reached.

HELGA A. SCHROETER
Schenectady

The writer is Capital Region coordinator for The Fund for Modern Courts

COURT: Long waits common

▼ CONTINUED FROM B1
with an aging building and an explosion in the volume of cases, Family Court has outgrown its home, the group concluded.

Of all the state's court facilities, Family Courts are typically in the worst shape. "It's a reflection of attitudes in our society of what's most important," said the fund's Capital District Coordinator, Helga Schroeter. "I think children and families are not always highest on the agenda."

The group also criticized the long waits and adjournments that occur when lawyers, families and other parties come to court unprepared. As one solution to the problem, the group is pushing Chief Judge Judith Kaye's proposal to consolidate the state's overlapping court system from nine trial courts to two. Cases in Family Court frequently overlap with matters in state Supreme Court and criminal court, yet there is little coordination.

Family Court's future in the building is precarious. KeyBank is in the process of foreclosing on the \$2.5 million property to recover money it loaned to CV Foundation Trust, which is held by former District Attorney John T. Garry and his two sons. A year ago, KeyBank paid Albany County more than \$500,000 in back taxes to stop the county from foreclosing on the property. For four years, the county paid rent to the Garrys without realizing the family was not paying taxes. The county now pays rent to a court-appointed receiver.

Family Court is scheduled to move to a new site on Lodge Street by the end of 2003. In the meantime, the county is trying to extend its lease, which expires next year.

LETTERS

To the Editor

The Better Approach Is Merit Selection

The June 5 article, "Rancorous Judicial Races Prompt Reforms," presents the tip of the iceberg regarding the inherent problems when judges are elected in partisan elections. Who contributes to judicial campaigns? The very lawyers, companies and special interest groups which are likely to appear in that prospective judge's courtroom. Who sponsors judicial candidates? Usually, party bosses who reward party loyalty with one of the last vestiges of political patronage. Who votes for judicial candidates? Virtually no one. While the public's apathy toward voting in general is well documented, the number of registered voters who actually pull a lever for judicial candidate is miniscule.

A far better approach is merit selection, a system used by more than 30 states for some or all of their courts. Merit selection involves nomination by a broadly based, nonpartisan commission comprising lawyers and laypersons, which proposes a limited number of vacancies for each judicial vacancy. The duly elected chief executive must then appoint one of the individuals named on that short list.

According to studies, merit selection also results in a more diverse judiciary. Need some local proof? Consider that New York's highest court remained exclusively white male until the method of selection was switched to an appointive, merit-based system.

Ultimately, the fate of the judicial selection issue rests with the politicians. The challenge is getting an elected Legislature to support an appointed judiciary.

Steven Zeidman
New York, N.Y.

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January 1, 2001–December 31, 2001

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2001 Financial Report

with 2000 comparative statement

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	Audited 2001	Audited 2000
EXPENSES		
Salaries	305,369	265,726
Employee Benefits and Payroll Taxes	50,202	42,909
Occupancy	69,891	48,364
Professional Fees	24,606	16,152
Conferences	24,487	17,697
Printing and Publications	13,806	16,979
Office Supplies	18,933	10,169
Telephone/Communications	10,297	9,134
Postage/Delivery Services	6,380	7,115
Equipment and Repair	6,772	12,596
Subscriptions and Dues	977	1,551
Travel	1,110	1,598
Depreciation	5,924	4,828
Consulting Fees	-	2,000
Internet Expenses	10,615	5,607
Insurance	2,642	-
Moving Expenses	-	3,709
Interest Expenses	-	1,000
Miscellaneous	3,437	4,205
TOTAL	555,448	471,339
I N C O M E		
Unrestricted Income	327,095	379,509
Restricted Income	303,912	184,750
TOTAL	631,007	564,259
Surplus (Deficit)	75,559	92,920

The IRS has determined that contributions to the Fund for Modern Courts are tax-deductible under section 501(c)(3) of the Internal Revenue Code. Copies of the audited financial statements are available from Modern Courts upon request. A copy of our latest financial filing may be obtained by writing to the New York State Department of Law, Charities Bureau, 120 Broadway, New York, New York 10271 or to the Fund for Modern Courts, 351 West 54th Street, New York, NY 10019.

Staff

Steven M. Zeidman, Executive Director, joined Modern Courts in August, 1999. A graduate of Duke University School of Law, Mr. Zeidman came to Modern Courts after teaching at New York University School of Law. He continues to teach as an adjunct professor at Pace University School of Law. Earlier in his career, Mr. Zeidman was a supervising attorney with the Legal Aid Society. He serves on the Board of Directors of Prisoners' Legal Services, is a member of the Criminal Courts Committee of the Association of the Bar of the City of New York, and is Co-Chair of the New York County Lawyers' Association Task Force on the Representation of the Indigent. He served as Subcommittee Chair of Chief Judge Judith S. Kaye's Jury Project, and as a member of the Sentencing Reform Act Commission. Mr. Zeidman has lectured at numerous professional and bar associations and is also the author of several articles and essays.

Kimyetta R. Robinson, Director of Court Monitoring, joined Modern Courts in January, 1999. She is a graduate of Columbia University with a Bachelor of Arts in Political Science. Ms. Robinson coordinates court monitoring projects across the State, and writes and edits reports and other publications. She also works with various Board committees, and serves as liaison to the Court Monitoring and Nominating Committees.

Christopher E. Cesarani, Director of Advocacy, also joined Modern Courts as part of the CJP in April, 2000. Mr. Cesarani is a graduate of Skidmore College and the New York Law School. He was named coordinator of the CJP's OmbudService in April, 1998. From 1991 to 1994, he served as a litigation and corporate paralegal for Davis Polk & Wardwell. He served as chief campaign aide for a congressional candidate, remains involved in various pro bono activities, and consults on Web site design. Mr. Cesarani serves as liaison to the Legislative Committee of the Committee for Modern Courts.

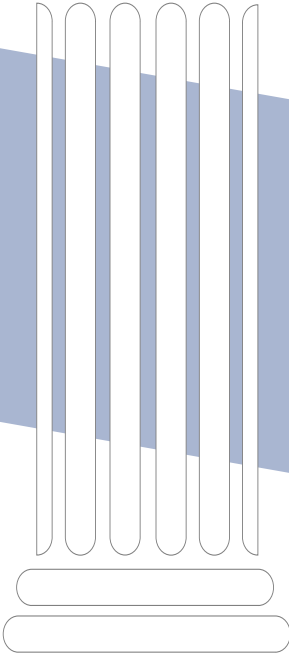
Jane Eggers, Director of the Citizens Jury Project, joined Modern Courts in November, 2001. She is a graduate of the University of New Hampshire and Columbia University, where she received a Master of Science in Social Work in International Policy. Ms. Eggers came to Modern Courts with a variety of work experience in governmental and non-governmental organizations, including directing education programs for community organizations, and interning as a writer and researcher for Human Rights Watch and the United Nations. As Director of the Citizens Jury Project, Ms. Eggers coordinates the Project's Ombudservice, analyzes data collected in Manhattan and Brooklyn courts, writes reports, and assists in the development and implementation of jury-related studies in New York courts.

Brian G. Maxey joined Modern Courts in April, 2000, when Modern Courts assumed control of the Citizens Jury Project (CJP). Mr. Maxey is a graduate of Occidental College, New York University's Robert E. Wagner Graduate School of Public Service, and Fordham University School of Law. He first joined the CJP in 1998 as a legal policy analyst and technology coordinator. He also supervised the first survey of users in New York County Family Court, and co-authored "New York Family Court: The Court User Perspective." Mr. Maxey served as liaison to Modern Courts' Finance Committee. Mr. Maxey left Modern Courts in September 2001.

Aishah Rashied, Development Coordinator, joined Modern Courts in Spring 2001 as the first fundraising professional on staff in Modern Court's history. Ms. Rashied is a graduate of Emory University, which she attended as a Goodrich C. White Scholar. From 1998-2000, Ms. Rashied was the Alumni Coordinator and Development Associate at the Paideia School in Atlanta, GA. Ms. Rasheid served as the Development Director at Project South: Institute for the Elimination of Poverty and Genocide from 1996-1998. Previously, she promoted various non-profit groups in Atlanta, and founded Science and Soul, a biannual fund and awareness-raising event.

Helga A. Schroeter joined Modern Courts in 1989 as Legislative Liaison and Coordinator of the Capital District Chapter. She is a past President of the League of Women Voters of Schenectady County and a founder of Families for the Future. She has received the Liberty Bell Award from the Schenectady County Bar Association in recognition of outstanding community service work, and the Human Rights Player's Award from the State Division of Human Rights. Ms. Schroeter administers court monitoring projects in Albany, Rensselaer, Saratoga, and Schenectady Counties, and coordinates lobbying efforts for the Committee for Modern Courts.

Simone J. Lewis, Administrative Assistant, joined Modern Courts in 1998 on a part-time basis while completing her Bachelor of Arts in Film and Media Studies. In December, 1999, she assumed the role on a full-time basis, and provides clerical and project support for the staff and the Board of Directors.



The Fund for Modern Courts, Inc., a nonpartisan, nonprofit, statewide court reform organization, is concerned with the quality and administration of justice in New York State. The Fund researches the problems confronting the state court system and sponsors programs educating the public about the urgent need for improvement.

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