

CITIZENS **JURY** **PROJECT**



CHAUTAUQUA COUNTY COURT FACILITIES ASSESSMENT

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I. Introduction

The Citizens Jury Project (CJP) was created in 1995, following the recommendation of the Jury Project, a blue-ribbon panel formed by New York State Chief Judge Judith S. Kaye to review and reform jury service in New York State. The CJP serves as an advocate for individual jurors in the courts, and strives to make systemic reforms that improve the conditions for all jurors.

The Citizens Jury Project was initially designed and continues to respond to ideas and concerns of jurors in New York courts through an ombudservice, operating booths located in or close to jury rooms at 60, 100, and 111 Centre Street in Manhattan, and 360 Adams Street in Brooklyn. CJP interns staff these ombudservice booths and collect comments from jurors; with this data, the Project produces tri-annual reports that highlight court-specific and common juror issues and concerns. In collaboration with the Office of Court Administration, CJP has recently expanded upon its role in the courts by beginning to administer court facilities surveys to jurors throughout the State. Surveying allows CJP to assess a greater number and variety of courts, while also increasing the number and specificity of the comments obtained from jurors in each court. There are clear advantages to more closely examining jurors' ideas and opinions. As a cross-section of society, jurors bring a diversity of experiences and concerns to the courts and can effectively guide court response and reform. In order to continue to improve on the administration of justice in New York State, it is crucial for jurors' ideas and concerns to be heard and responded to.

The focus of the following report is the Chautauqua County, Supreme, Family and Surrogate court facilities. The Chautauqua court facilities are the first to be surveyed by the Citizens Jury Project outside of New York and Kings County. For this assessment, CJP designed a court facilities survey (Appendix A), with the generous assistance from the Office of Court Administration. The survey was administered to jurors at the Chautauqua County Court, during the time period of May 2002 to August 2002. This report will present the results of 123 surveys collected during this time period, in the context of the communities of Chautauqua County and the court facilities.¹ The first part of this report will provide an overview of Chautauqua's communities, the court facilities, and the number and character of cases that are filed and brought to courts. Specific problem areas of the court facilities will then be highlighted, as will the concerns raised by court officials in interviews conducted by CJP on April 17, 2002, and in minutes, memoranda and court-published facilities reports. The second part of this report will present the results of the statistical analysis of jurors' ratings of the facilities, and the written comments jurors provided on the surveys. The report will look generally at the comments, and then specifically by court area, providing recommendations following each analysis. Finally, the report will conclude with general recommendations in regard to the question of whether to

¹ Although 139 surveys were collected, 16 were discounted, as they were improperly filled out.

invest in the construction of a new court facility or to refurbish the existing buildings or an alternative space.



Photographer: Mike Ebert

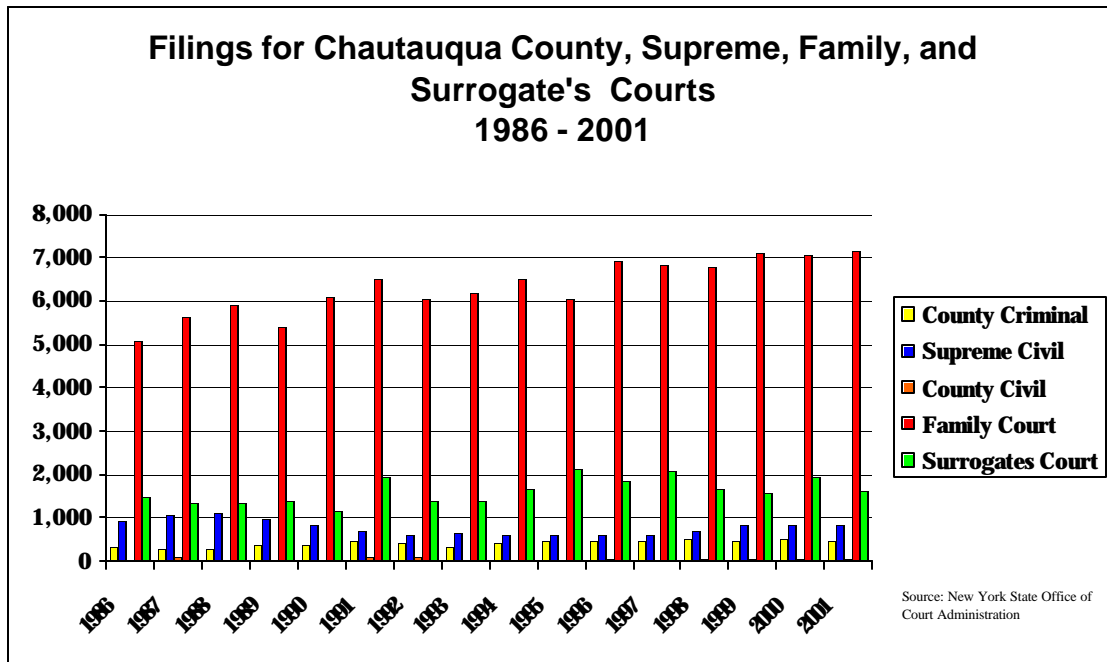
II. Chautauqua County and Its Court Facilities: An Overview

The village of Mayville, a quiet community surrounded by vineyards, is located on the northwest shore of Chautauqua Lake in western New York. The courthouse in this village houses the complex, interwoven branches of four County and State courts. Specifically, the Mayville court facilities house the Chautauqua County Supreme, County, Surrogate, and Family Courts, and provide space for court records. These courts have jurisdiction over 2 cities (Jamestown and Dunkirk), 27 towns, 15 villages, and 1 Native American Reservation, a total of approximately 139,750 people.² And although Chautauqua grapes grow well in cluttered thickets, this report will make clear that justice is not fruitful in Mayville's current facilities, which are cramped and in violation of State administrative laws.³

The Mayville court facilities are comprised of two buildings, the Chautauqua County Courthouse, built in 1909, and the Gerace Office Building (G.O.B.), an office building that houses both courts and court and legislative offices. The county courthouse is a magnificent old facility, but it was not designed to face the growing caseloads in Chautauqua County and the modern needs of court users, such as the increased demand for and the expanded role that family courts now play in communities throughout the state and nation.

² U.S. CENSUS BUREAU, STATE & COUNTY QUICK FACTS, CENSUS 2000. Available at: <http://quickfacts.census.gov/qfd/states/36/36013.html>

³ For example, as will be discussed in the latter part of this section, the Rules of the Chief Judge, Part 34 (22 NYCRR34) provides spatial guidelines for facilities that the Chautauqua County Courthouse and G.O.B. do not comply with.



The graph above illustrates that filings, particularly for the family court, have increased substantially in the past fifteen years. The total filings have increased by over 2,000 in fifteen years, from 7,863 to 10,178. Since 1975, the G.O.B. has been used to compensate for the lack of space by housing courts of law. The two buildings are pictured below; the County courthouse is in the center of the picture, while the G.O.B. is the white building in the left bottom corner of the picture.



Photographer: Mike Ebert

These two buildings house the courts and county offices in the following manner:

Gerace Office Building

Supreme Court Part II
 2nd Floor: Surrogate's Court
 (incl. Judge's Chambers)
 2nd Floor: Family Court
 (incl. Judge's Chambers)
 3rd Floor: County Legislative Chambers
 Family Court Hearing Examiner Staff & Deputy Clerk
 Offices of the County Attorney & County Executive

Passageway Connecting Buildings

County Courthouse
 Supreme Court
 County Court
 Judges' and County Clerk Offices
 Basement: D.A.'s Offices

As is suggested in the diagram above, surrogate and family courts are not simply used for family court and surrogate matters, but must also house supreme and county court cases. Similarly, the room once devoted to legislative chambers is now also used as a grand jury room and a supreme courtroom. There are multifarious reasons why such measures are problematic. From a management perspective, the Chief Clerk and Deputy Chief Clerks spend an exorbitant amount of time scheduling and coordinating the calendars, while judges must move from court to court and attorneys struggle to keep track of what court they must appear in. Safety and procedural issues also arise when courtrooms and business offices are used for many different purposes. For example, housing the grand jury in the legislative chambers means that there is no secure witness waiting area and that grand jurors must pass through the same hallway and entrance as defendants, witnesses, counsel, and the general public. This violates recommendations provided by Chief Judge Judith S. Kaye and Chief Administrative Judge Jonathan Lippman in *The Grand Jury Report*,⁴ and the American Bar Association's Grand Jury Facilities Standard 14d, which reads:

“To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.”⁵

The current design of the court facilities also affects how court officials must work, the conditions that they work in, and how court records are kept. Judges, law clerks and court personnel are located in over-crowded rooms within the county courthouse and the G.O.B., rooms that in most cases lack proximity to the courts and court records, and the privacy needed to work effectively. The following photos illustrate this. The photo on the left, a room that looks like a principle's office in a two-room schoolhouse, is the chambers of Justice Joseph Gerace of the Supreme Court of Chautauqua County. The photo on the right is of the family court reception office. Just as court employees and jurors are shuffled around the courthouse, so too are the records, which are relegated to a variety of areas in the G.O.B. and county courthouse.

⁴ CHIEF JUDGE JUDITH S. KAYE & CHIEF ADMINISTRATIVE JUDGE JONATHAN LIPPMAN, THE GRAND JURY PROJECT REPORT (MARCH 31, 1999). Available at: <http://www.courts.state.ny.us/gjrr.html>

⁵ AMERICAN BAR ASSOCIATION, STANDARDS RELATED TO JURY USE AND MANAGEMENT 126 (1998).



Photos: Chautauqua County Court Facilities Report

The following quote, drawn from Chautauqua County's Long Term Plan for Court Facilities (1/24/02), illustrates these issues:

“Our current storage space for supplies is inadequate. Boxes of paper, forms, and other supplies are stuffed under benches in the county courtroom. Other items including court records which must be retained for certain periods of time are stored in our evidence room in the basement of the courthouse. This room is secured and can only be entered by designated personnel after security procedures are followed. Not only is this inconvenient, but storage of supplies and the safekeeping of evidence during a trial should not be in the same room.”⁶

The problems inherent in using two facilities for supreme, county, family and surrogate courts are compounded by two facts: the G.O.B. was not designed to be a courthouse, and neither facility sufficiently complies with the minimum requirements for courts and court offices in New York State.⁷ The following table provides a list of some areas within the facilities that are particularly inadequate.

⁶ Id., 3.

⁷ As previously noted, the Rules of the Chief Judge, Part 34, Guidelines for State Court Facilities, sets minimum spatial requirements for court facilities.

Chautauqua County Facilities Deficiencies	
Family Court Space	
Current Space Second Floor: 3,928 sq. ft. Third Floor: 950 sq. ft. Combined Total: 4,878 sq. ft.	
Statutory Minimum Requirements: 8,850 sq. ft.	
Surrogate Court Space	
Current Space: 1,950 sq. ft. ⁸	
Statutory Minimum Requirement: 8,705 sq. ft.	
Jury Assembly Room	
Current Space: No jury assembly room: County Court and hallways are utilized	
Statutory Minimum Requirement: 1,000 sq. ft	
Crime Victim Waiting Room	
Current Space: No crime victim waiting room	
Statutory Minimum Requirement: 100 sq. ft.	
Attorney Conference Rooms	
Current Space: No attorney conference rooms	
Statutory Minimum Requirements: 3 rooms, 100 Sq. ft. each= 300 sq. ft.	
Disability-Accessible Restrooms	
Current Space: No disability-accessible restrooms in County courthouse. One disability-accessible restroom in basement of G.O.B.	
Federal and New York State guidelines exist for not only the size of the restroom, but also the use of the space within the restroom and its amenities. For further information, please see Appendix B.	

Perhaps the most glaring inadequacies are not the spatial constraints of each room, but the lack of a jury assembly room, attorney conference rooms, a crime victim waiting room, and a disability accessible restroom in the county courthouse. The following section will detail some of the concerns in the areas listed in the above chart: the family and surrogate courts, the jury facilities, and disability accessibility in the facilities. Additionally, the report will specifically discuss security concerns.

(A) Chautauqua Family Court

In New York, experimental family courts became integrated into the system over thirty years ago, as a means to address “the most pressing problems facing society.”⁹ Yet the weight of these courts, combined with the unpredicted

⁸ The surrogate’s court also occupies some space for records in the county’s general storage room, which is located in the basement.

⁹ BARRY A. COZIER, INTRODUCTORY GUIDE TO THE NEW YORK CITY FAMILY COURT, Available at: <http://www.courts.state.ny.us/forward.htm>.

growth in filings, requires resources and facilities that many counties do not have, and are not equipped to offer. The Family Court of Chautauqua County, like many counties in New York, is overwhelmed by the numbers and needs that come to the court.

Yet, the Chautauqua County Family Court is, in some ways, unique.



Photo: Chautauqua County Court Facilities Report

The Court is housed in office space approximately 3,000 sq. feet under state requirements. There is no centralized area for the staff and court files of the family court; instead, the staff and files are located in three discreet areas on two floors of the G.O.B. The court does not have an attorney/client conference area or a childcare facility, and must use the deputy station (144 square feet) as its juvenile holding facility. When an individual has to use the restroom, he or she is forced to leave a secured area and, upon their return, must be re-screened by security. And finally, the one waiting room that is available for court users can hold only about 14 people,¹⁰ which results in the inability to separate litigants and the need to use the hallways as a waiting area (as

pictured above). This problem is compounded by the fact that incarcerated individuals do not have a separate route by which they can pass into the family court, but instead are led through the entrances, elevators and hallways that the general public and staff use. The privacy and protection of court employees and court users—particularly litigants and their children—is, indeed, questionable.

Equally troubling is the family court itself, which must operate under severe spatial constraints. From a programmatic perspective, the Chautauqua County Family Court's efforts to accommodate court users are stymied by the inadequate facilities. For example, although Chautauqua's application to provide a drug court has been accepted, the initiative cannot proceed due to the lack of space.¹¹ Meanwhile, programs that are offered lack credibility and effectiveness due to the spatial constraints: the alternative dispute resolution program is conducted in the hallway.

¹⁰ This small waiting room is particularly inadequate Monday morning, when approximately one hundred court users arrive for calendar call. Monday and Wednesday afternoons are also problematic, as approximately crowds of approximately fifty people fill the waiting room and hallways.

¹¹ HON. JUDITH CLAIRE, CHAUTAUQUA FAMILY COURT FACILITIES REPORT (NOVEMBER, 2000).

During court proceedings, the lack of space in the courtroom infringes on litigants rights and safety. As noted in a report by the family court, dated 11/6/00:

“At any given time, it is possible to have two judges, one judicial hearing officer, two hearing examiners and a law clerk hearing cases simultaneously with only two formal courtrooms.”¹²

It is not uncommon, therefore, for opposing witnesses to sit next to each other in court, or for a domestic violence victim to be dangerously close to her abuser.

(B) Chautauqua Surrogate’s Court

The constraints that the family, county, and supreme courts operate under are mirrored in the surrogate’s court, in which court officials and court users are perpetually faced with spatial and safety concerns. Some common concerns shared by the surrogate court include:

- The Chautauqua County Surrogate’s Court usually operates out of one courtroom (a “courtroom” in the G.O.B. is converted office space). This courtroom is designated “Supreme Court Part II” and the surrogate judge must reserve the court in advance to use it.
- Litigants wander the hallways and, at times, walk freely into staff areas.
- The surrogate court judge must use the general public restroom facilities.
- Disability access is limited, which is a particular concern of surrogate court’s elderly population.
- There are no attorney/client conference areas.
- Surrogate’s court has 550 boxes stored in the basement. These records need to be accessible to the general public, including access for individuals with disabilities.
- Heating and cooling systems work sporadically. Plug-in fans must often be used in the court, which distracts proceedings and often scatters and disorganizes court papers.

A variety of unsettling stories accompany these concerns. During interviews conducted on April 17, 2002, court officials recounted an incident in which a lawyer in a wheel chair, who was already struggling to negotiate himself within the court space, had to be carried down the stairs by court officers when a fire alarm went off. An equally disconcerting story, that exemplifies both safety and spatial concerns, occurred two years ago: a prisoner, walking down the hallway, slammed a pregnant employee of the surrogate court into a bathroom door.

(C) Juror Facilities

Standard 14 of the American Bar Association’s Standard Rules addresses jury facilities, and establishes the following guidelines:

¹² *Id.* at 10.

- Courts should provide an adequate and suitable environment for jurors.
- (a) The entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
 - (b) Jurors should be accommodated in pleasant waiting facilities furnished with suitable amenities
 - (c) Jury deliberation rooms should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
 - (d) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.¹³

These guidelines severely contrast the facilities and conditions that Chautauqua jurors must face. The most poignant example of this contrast is that there is no jury assembly room in the Chautauqua County Courthouse or the G.O.B. Jurors, instead, report directly to the county courtroom, which was built in 1909 and is not equipped to accommodate jurors. Jurors waiting to be called to a case in the courtroom must sit on crowded, hard benches, and cannot bring their personal belongings, food, drink, or even reading material into the courtroom. During the course of a day, when jurors have to use the restroom they must walk through security to the G.O.B., a particularly difficult task for both elderly and jurors with disabilities. Additionally, often the need arises to use the county courtroom for matters that the jurors should not hear or be exposed to. In this instance, jurors are forced into the hallways of the courthouse. Therefore, on a busy day in the courthouse when approximately 80 people are called for jury service, jurors often wait in the hallways, which are regularly used by attorneys, parties, witnesses, court personnel and the general public.¹⁴ The procedural and security concerns caused by the lack of a juror assembly room are blatant, and in clear violation of the Rules of the Chief Judge, Part 34, Guidelines for New York State Court facilities (22 NYCRR 34)¹⁵, and the American Bar Association's standard rules for jury facilities.

(D) Inaccessibility for People with Disabilities

The Chautauqua County Long-Term Plan for Court Facilities reported:

On January 19, 2001, a wheel chair bound Chautauqua County resident who was summoned and reported for jury duty had to be excused from service because our facilities were inadequate to meet her needs. She wanted to stay and serve, but because the handicap bathroom [located in the basement of the Gerace Office Building] was not readily accessible to the courtroom [...] she could not remain on the second floor of the courthouse.¹⁶

¹³ AMERICAN BAR ASSOCIATION, STANDARDS RELATED TO JURY USE AND MANAGEMENT 126 (1998).

¹⁴ KATHY KRAUZA, LONG-TERM PLAN FOR COURT FACILITIES, SUPREME AND COUNTY COURT CONCERNS (JANUARY 24, 2001).

¹⁵ "X.1: Jury Assembly. (12-20 square feet per person): Courthouses with three (3) or more jury trial courtrooms should include a jury assembly area adequate in size to accommodate the number of juries required on an average busy day."

¹⁶ KRAUZA, *supra* note 8, at 3.

The inaccessibility of the restrooms, and the effect that the buildings' inaccessibility has on the administration of justice are highlighted in the quote above. These are two of many issues that people with disabilities and court officials must confront on a daily basis.

Parking is typically the first problem encountered by a person with a disability. For a number of years, only two parking spaces were designated for people with disabilities, forcing many individuals to use temporary parking in the front of the building. Once a person in a wheelchair finds parking in front of the building, he or she is then confronted with the task of getting their chair up onto the curb: the curbs in the front of the building lack a curb cut or ramp to assist. In 2001, this problem was somewhat improved, by creating five disability parking spaces in the back of the court facility. However, the ramp leading into the court facilities has a severe incline, which is reported to potentially "cause people who use wheelchairs to gain too much momentum and wheel into the street in front of the sheriff's office."¹⁷ Additionally, as will be discussed further in the following section on safety and security, multiple, unsupervised entrances create significant safety concerns.

Inside the courthouse, similar problems ensue. Along with the inaccessible restroom, the county courtroom lacks a wheelchair ramp into the jury box. Additionally, due to a step leading up to the judge's bench, a lawyer with a wheelchair cannot speak with the judge in confidence. In both cases, the court process must be disrupted to accommodate the juror and attorney, a disruption that may be uncomfortable for both parties and is avoided in accessible, modern courts of law.

In addition to specific, inaccessible areas of concern, the improper circulation routes in both the Chautauqua County Courthouse and the G.O.B. also create general environmental inaccessibility. The crowded hallways, filled with jurors, litigants, attorneys, and court officials is difficult for anyone to navigate. This problem is compounded for a person who is visually impaired, or who utilizes a wheel chair or an alternative assistive device.

(E) Courthouse Security

Courthouse security is a particularly difficult proposition. Courthouses host a wide-spectrum of society, converging to play a variety of roles in our system of justice. As Todd S. Phillips, the director for the International Center for Courts Design Research, and Michael Griebel, senior vice president of HLM Design USA, note: "These people [court employees and court users] will arrive at courthouses in various states of mind, from businesslike to frightened, and with various levels of understanding about the site and building, the nature of the process, the activities of the court, and so forth. [...] The design of a facility can either enhance security and safety or increase the possibility of violence."¹⁸

¹⁷ Dave Dahl, *County Considers Improving Handicapped Access to Buildings*, The Observer, Sept. 3, 2000, at A-4.

¹⁸ MICHAEL GRIEBEL, TODD S. PHILLIPS, ARCHITECTURAL DESIGN FOR SECURITY IN COURTHOUSE FACILITIES, 576 ANNALS 118, 119 (JULY, 2001).

The underlying problem that the county courthouse and G.O.B. have in regard to security is that neither facility was designed to provide a safe and secure environment for modern court users and employees. This is perhaps particularly the case for the G.O.B., which was designed for office space, not courts of law, and thus fails to protect and maintain the integrity of court processes and safety of individuals within it.

In order to comprehensively understand the security issues and problems that the G.O.B. and county courthouse have, a thorough investigation should be undertaken and a security strategy should be developed. There is a great body of literature and research on court facilities and safety. However, this report will utilize the broad recommendations made by Griebel and Phillips in their article *Architectural Design for Security in Courthouse Facilities*, not as a means to provide a definitive view of what is known in the field of courthouse design and security, but simply to suggest recommendations that can be considered once a comprehensive security investigation is undertaken and a security strategy is in the process of being developed.

Griebel and Phillips suggest that there are four issues that should be considered during the risk assessment and problem definition phase, including the possibilities for:

1. "Intimidation, harassment, and assault of judges, judicial staff, jurors, and family members in criminal and family matters;
2. attacks on staff and visitors, particularly at night;
3. attempted escape by in-custody individuals; and
4. vandalism or theft of county-owned property or valuables such as cash held within the clerk's office, valuable computer and video equipment, and so forth."¹⁹

In CJP's interviews with court officials on April 17, 2002, and Chautauqua court plans, publications, and minutes, three of the four issues listed above—all but vandalism and theft—have been cited as incidences that have occurred in the G.O.B. and/or the county courthouse. This suggests that if a concrete security risk assessment has not been undertaken, it should be, and that there is a great need to provide safer court facilities.

Griebel and Phillips also highlight the concept of separate zones and controlled circulation as the central tenet of courthouse design and planning. They suggest that court facilities should be organized into four zones: the public zone, the private zone, the prisoner zone and the interface zone.²⁰ Grouping court users and employees in this manner, establishing circulation routes and limiting access between the four zones, promotes courthouse safety. With this approach, the populations represented in the zones can meet for the first time in a courtroom, not a hallway in the facility.

¹⁹ *Id.* at 120.

²⁰ *Id.* at 122.

The public zone contains office and support areas that serve the public, including the main entry to the building, the main circulation paths to the courtrooms, and the reception areas of all of the court-related offices.²¹ Griebel and Phillips suggest that key components of a safe and efficient public zone include:

- Public access to the court should only be provided through one primary public entrance. This entrance should be designed in a manner that accommodates a high volume of individuals, far enough away from the entrance so that court users may line up inside the facility.
- A weapon detection station should be located at the public entrance into the court facility. The general public and staff should be required to pass through the weapon detector, as should judges who elect to pass through the public entrance to the court.
- The public circulation system must be capable of supervision or monitoring by personnel or closed-circuit television surveillance.
- Elevators should accommodate the movement of the general public, court users, and court employees.
- Public circulation on floors with courtrooms should be limited to a corridor system that allows the public entry into simply the courtrooms and waiting room.
- Public areas should be separated from staff/employee areas by walls or counters.
- Offices and areas of the courthouse that typically have lower numbers of public visitors should be remote from the public entry. This can limit unintentional movement into restricted areas.
- Court facilities access must be limited outside of business hours, on weekends, and holidays.²²

The private zone is comprised of space for judges, jurors, staff, and authorized users. Griebel and Phillips note: “Private zone circulation to all courtrooms should enable judges, court personnel, and other authorized personnel to enter a private circulation system through a restricted entrance that allows them to proceed to chambers and judicial work areas, all courtrooms and all hearing rooms without encountering the general public or prisoners.”²³ Some ways in which to promote good private zone circulation include dedicating elevators for the use of judges and staff exclusively, creating a corridor system for judges and staff that is separate from the public and prisoner circulation systems, and restricting the circulation of the general public on floors that contain court offices.

The prisoner zone entails both the space for the movement of people in custody and their short-term detention. Currently this space is very limited in the G.O.B., and not designed to successfully separate people in custody, the general public, court officials and court users. Griebel and Phillips recommend that all prisoner areas, including the corridors and elevators that prisoners use, should be acoustically and visibly separate from the public and private interface zones. This means, for example, that an ideal courtroom is designed to allow

²¹ *Id.* at 123.

²² *Id.* at 124-5.

²³ *Id.* at 125.

in-custody defendants or parties direct access from the prisoner zone. Other accommodations that are suggested include appropriate security sally port access, monitoring and control equipment, and secure perimeter systems surrounding central holding areas, courtroom-holding areas, and other areas in which the prisoners are kept.²⁴

Griebel and Phillips define the interface zone as the areas in which everyone converges, most typically the courtroom. The location and design of the courtrooms require greater attention than any other aspect of the court facilities, as they are the interface area of the zones and populations that work in and utilize the courts. Simultaneously, courtrooms must project an “appropriate image of the justice system in a way that is not compromised by unduly obtrusive security measures.”²⁵ Key aspects of well-designed, secure courtrooms include:

- An appropriate separation of and an unobstructed view between the judge, witnesses, parties, and the public. Additionally, there must be adequate distances between the defendant and other courtroom participants.
- Furniture that is not easily movable and cannot be used as weapons.
- Sound operating procedures and staff training to ensure general environmental safety and quick response, in the event of a threat or emergency.
- Suitable courtroom characteristics, in terms of space and design, which inspire the safe and proper administration of justice.²⁶

Certainly, the idea of zoning a courthouse is not new, yet realizing this scheme in court facilities is difficult, and in some cases impossible. CJP suggests that the G.O.B. is clearly a building that cannot offer a safe courthouse environment. The spatial and structural constraints of this building preclude the possibility of creating an environment that is safe and suitable for holding facilities, waiting areas, and courts of law.

(F) Summary of Efforts Made to Improve the Facilities

Court officials, county legislators, and the general public have made great efforts to remedy the current problems and issues that the Chautauqua court facilities face. To provide a complete overview of these many efforts is beyond the scope of this report. Indeed, the facilities issues with the Mayville courthouse date back to 1970's. However, to briefly summarize the current situation, this report will briefly outline the steps court officials and administrators have taken to address the spatial constraints and to improve court facilities.

²⁴ *Id.* at 127.

²⁵ *Id.* at 126

²⁶ *Id.* at 127

1975: Family Court, a then newly established, quiet court, is relocated to the G.O.B.

March 27, 1990: The Court Facilities Capital Review Board gave conditional approval to a Chautauqua County Court Facilities Master Capital Plan. The County's Plan included a commitment to renovations of the Mayville facility, a newly-renovated satellite in Jamestown, and a small amount of space for courts in a building to be constructed in Dunkirk. Unpredictably, the County faced difficulties in the development of the Dunkirk building, which first delayed the project then caused it to be cancelled. The review board granted extensions for the programming of the Mayville renovations through mid-1993.²⁷

October 1, 1993: The County submitted a new plan, which proposed changes to the supreme court, the jury commissioner's office, the family court, the surrogate's court, and building security. The Eighth Judicial District Judge James B. Kane, and four resident judges of Chautauqua County recommended approval of the plan, conditioned on the completion of work scheduled for 1994 and 1995. Due to the difficulty in finding a suitable location for the public defender's office, the County is subsequently granted an extension on their completion of improvements upon the 2nd floor of the Gerace Office Building.

October 1998: The Chautauqua County Summary Jury Trial Project was initiated in an effort to resolve limited damage civil cases more quickly. During the time period of October 1998 to December 2001, 94% of the cases in the program were resolved before going to a full jury trial, saving the court an estimated 300 trial days.²⁸

September 2000: The Chautauqua County Court Facilities Committee was formed at the request of Hon. Vincent E. Doyle, District Administrative Judge, and Eighth Judicial District. The committee, comprised of judges, chief clerks, the county executive, members of his administration, and representatives from the county legislature, was established with the objective of finding short-term and long-term solutions to Chautauqua County's court facilities issues.

November 6, 2000: The Court Facilities Committee of the Chautauqua County Court unanimously resolved to submit a request to the County Executive and County Legislature of Chautauqua, a request to undertake a study of court facilities. The objective of the study would be to determine current and future space needs of the courts, with a particular focus on the family court.

January 24, 2001: Kathleen D. Krauza, Chief Clerk and Commissioner of Jurors submitted *The Supreme and County Court Concerns* report. This report provides an overview of the space concerns and necessary improvements that need to be made to the court facilities in Chautauqua County, and was

²⁷ A conceptual plan was submitted in on September 21, 1992, to the Eighth Judicial District. However, due to the lack of adequate spatial provisions for the Family Court, further discussions and negotiations ensued.

²⁸ SUPREME COURT OF CHAUTAUQUA COUNTY, SUMMARY JURY TRIAL PROJECT (2001).

designed to serve as a guide for the Court Facilities Committee, the County, and the Office of Court Administration in the formulation of a long-term plan.

June 25, 2001: One of a series of meetings is held between Harrington Sandberg Architects, P.C., who were hired to conduct the architectural assessment of the Chautauqua court facilities, and the Court Facilities Committee. The architects reported on three options for future facilities or renovations:

1. Renovation of the Mayville school building;
2. Building a new courthouse;
3. Redesigning and remodeling the current facilities.

In discussing these options, the architects noted that building a new courthouse would be the most expensive option, while redesigning and remodeling the current court facilities would be the least expensive option. Currently the Chautauqua court facilities occupy 17,400 sq. feet; court officials have determined that they need 32,065 sq. ft in order to accommodate the needs of the courts and court users. The Mayville school building comprises approximately 100,000 square feet. While some of the suggested plans for renovations/reconfigurations of space allow for adequate space, others do not.

October 15, 2001: After reviewing the architectural reports, the County directed the architects to develop plans for option three above. These plans were presented on October 15, as "Scheme 5". Scheme 5 would move the family court to the 1st floor of the Gerace Office Building (G.O.B.), surrogate and supreme courts to the 3rd floor of the G.O.B., and the public defender's office, the law library, the court reporters, the Grand Jury, the tax division, and the District Attorney's office to the 2nd Floor, once renovated. An interstitial space would also be built, which would link the G.O.B. with the Hall R. Clothier (H.R.C.) building. The cost estimate of the Scheme 5 plan presented on October 15, 2001 is equivalent to the cost estimate of the most expensive option presented on June 25, 2001: a new court facility.

February 13, 2002: Hon. Joseph Gerace contacted Steven Zeidman, the then Executive Director of the Fund for Modern Courts, and inquired about the possibility of Modern Courts providing evaluative assistance/consultation in regard to Chautauqua County's court facilities issues.

April 17, 2002: Jane Eggers, Director of the Citizens Jury Project of the Fund for Modern Courts, visited the county courthouse and G.O.B. in Mayville, and interviews court officials, administrators, legislators and members of a local community organization. Copies of the Citizens Jury Project Court Facilities Survey were distributed, and it was agreed that the surveys would be administered to Chautauqua jurors during the time period of May 1 to August 31, 2002.

July 1, 2002: A construction manager sets a schedule for work on a feasibility study pertaining to the expansion of the Chautauqua County court facilities.

III. Jurors' Ratings of the Chautauqua Courthouse

(A) Frequency Analysis

On the front and backsides of the first page of the Citizens Jury Project survey (Appendix A), jurors were asked to rate various areas of the Chautauqua County court facilities as excellent, good, fair, or poor. A total of one hundred and twenty-three surveys were collected during the time period of May 1, 2002 to August 31, 2002. The data provided in this report was analyzed in its totality, without distinctions between juror characteristics or the dates in which each juror was surveyed.

The data collected from the Chautauqua County court facilities has been statistically analyzed to find the frequency, or how often a value occurred (such as the rating "good" within a series of values excellent, good, fair, not applicable) for each question on the survey. The percentage of each frequency, the cumulative frequency, and the cumulative percent were also calculated; each is illustrated in the table below.

Question: Environment for People with Disabilities

Rating	Frequency	Percent	Cumulative Frequency	Cumulative Percent
Excellent	7	28	7	28
Good	8	32	15	60
Fair	4	16	19	76
Poor	0	0	0	0
N/A	6	24	25	100

The following tables of the "positively-rated areas" are the five areas that received the greatest cumulative percentage of "excellent" to "good" ratings, and the "critically-rated areas" are the ten areas that received the largest cumulative percentage of "fair" to "poor" ratings. Please note that the categories "Assembly Room: Juror Lounge", "Assembly Room: TV", "Assembly Room: Modem Outlets", "Hallways: Coffee/Sandwiches/Juice" were not considered in the chart below, due to the lack of these amenities in the courthouse, and thus the high juror non-response rates and high percentage of jurors who rated the question "non-applicable".

Jurors' positive ratings of the facilities, which contrast jurors' negative written comments of the same areas, suggest that certain factors may have influenced jurors' ratings. An overarching problem with the data is that, despite CJP recommendation to survey a variety of court users, jurors were the only population surveyed for this analysis. Jurors' perspectives are very valuable for many areas of analysis, but their perspectives on the entire facility, especially jurors who serve for only one day, are rather unique and limited. More generally, jurors—perhaps particularly those serving in non-urban environments—encounter what social scientists term "demand characteristics." This term has been defined as "...the qualities of a particular experimental

setting that simply, by their nature, invite certain kinds of behaviors. [...] By extension, [demand characteristics can result from] any social setting that, by its nature establishes a set that carries with it behavioral “demands”.²⁹ It is arguable that the demands placed on jurors to participate and serve as representatives of their communities, coupled with their positive experiences interacting with staff (as noted in section IIIB), contributed to their overly-positive ratings of certain areas of the court facilities, areas that are more clearly criticized in their written comments. Therefore, the cumulative percents reported below must not be simply understood at face value, but considered in the context of the complex and conflicting experiences citizens have in courts. The written comments offer a window into the jurors’ more critical views of the court facility.

Top Juror Facilities Ratings- Chautauqua County Courthouse 5/1/02-8/31/02 (N=123)	
Top 5 Positively-Rated Areas: Highest % of “excellent” & “good” ratings	Cumulative Percent
Lobby and Security: General Conditions	98.36%
Lobby and Security: Feel Safe/Comfortable/Secure	97.5%
Hallways: General Conditions	95.87%
Hallways: Fixtures/Lighting	95.04%
Bathrooms: General Conditions	94.59%
Top 10 Critically-Rated Areas: Highest % of “fair” & “poor” ratings	Cumulative Percent
Environment for People with Disabilities	40%
Elevators: Number Provided	37.38%
Hallways: Public Address System	35.9%
Elevators: General Conditions	33.63%
Assembly Room: Public Address System	30.19%
Elevators: Signs and Maps	28.44%
Public Address System	26.96%
Hallways: Seating	24.58%
Hallways: Pay Phones	23.48%
Assembly Room: Seating	23.01%
Assembly Room: Work Carrels/Work Area	22.73%
Hallways: Air Quality/Temperature	21.49%

The chart above illustrates that jurors found the conditions of the lobby and security, the hallways, and the bathrooms acceptable. Paradoxically, jurors’ ratings of the hallways also comprise the majority of the top-ten critical ratings. As discussed in section II C, the reason for this disparity is that the hallways of the courthouse often serve as the jurors’ assembly room. The lack of a juror

²⁹ ARTHUR S. REBER, THE PENGUIN DICTIONARY OF PSYCHOLOGY, 185 (1985).

assembly room forces court officials to utilize the county courtroom, however, when the court addresses matters that the jurors should not hear or be exposed to, jurors are forced to sit in the hallways of the courthouse. With approximately 80 jurors waiting in the hallway on a busy day in the Mayville courthouse, it is not surprising that jurors ratings listed above are critical of the public address system, the seating, the air temperature and the payphones.

The environment for people with disabilities received the most critical ratings of all aspects and areas of the courthouse. This is significant and congruent with the written comments that will be discussed in the next section of this report. However, it must be noted that there was a high frequency of jurors did not respond to this question, and that of those who did, a high percentage of jurors rated the question “non-applicable”.

(B) Jurors’ Written Comments

The frequencies obtained from the analysis are best understood in relation to the written comments that jurors provided on their own accord. On the backside of the survey, jurors were asked to provide written comments addressing “additional comments”, “specific suggestions”, and were asked to “indicate the topic area most in need of attention” (See Appendix B). Interestingly, as exhibited in the chart below, although only 36 jurors (out of the total of 123 surveyed) provided written comments, jurors’ written critical comments are analogous to their ratings of the facility. Jurors wrote about the discomfort of being stuck in the hallway, the need to improve the acoustics, air quality and accessibility of the facility for people with disabilities. Jurors also commented on the need to improve security and that the facilities are overcrowded.

Top Juror Written Comments— Chautauqua County Courthouse 5/1/02-8/31/02 (N=123)	
Top 3 Appreciative Concerns	Count
Staff are friendly/polite	4
Jury service was a positive experience	3
Building is in good condition	2
Top 10 Critical Concerns	Count
Parking needs to be improved/accessible	10
Acoustics need to be improved/Difficult to hear	9
The benches in the hallway are uncomfortable	7
Improve signage in and around the courthouse	7
Courthouse needs to be more accessible for people with disabilities/injuries	7
Poor temperature/Air quality	6
Improve security	6
Improve directions to the courthouse	6

Elevators do not work/need more working elevators	5
The court facilities are overcrowded	4

Although the Citizens Jury Project is designed to assess court facilities, jurors in the Mayville courthouse clearly praised the courthouse judges, lawyers, clerks, and staff in their written comments. The following four quotes from jurors characterize the gratitude jurors felt toward the staff for their efforts in making jury service a smooth process and a positive experience:

“Everyone did whatever they could to make us comfortable and informed of what was happening as well as what was expected of us.”

“The court marshals and judge were very friendly.”

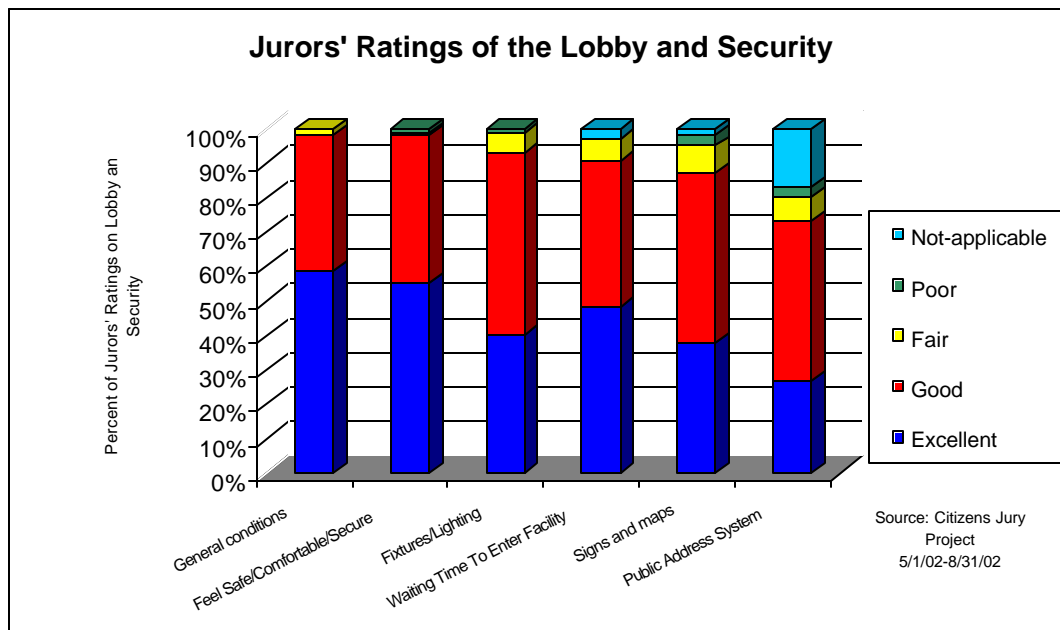
“D.A.s and Chautauqua County Sheriffs are always well prepared.”

“I’ve been well treated by everyone—staff are helpful and friendly.”

IV. Area-Specific Analysis

(A) Lobby and Security

Jurors’ ratings of the lobby and security were generally favorable, ranging from “good” to “excellent”, as the following graph illustrates. The public address system and the signs and maps received the poorest ratings, while the general conditions received the most positive ratings. Please note that each area-specific graph provided in this section is based on the percent frequency of jurors’ ratings for each court facilities area.



While the graph above paints a positive picture of the facility’s lobby and security conditions, jurors’ written responses echo the concerns that have been expressed by court officials and staff. The following juror’s comments illustrate a common concern:

“My question is: are the stairways monitored? Someone can come up without being noticed, with things they shouldn’t be carrying. I guess I was just a little amazed by the security with the events since 9/11. Thank you for the educational experience.”

Chautauqua: Lobby and Security	
Not all people were checked through security	3
The bathroom is in an insecure area	1
The stairwell should be monitored	1
Security is a topic in need of attention	1

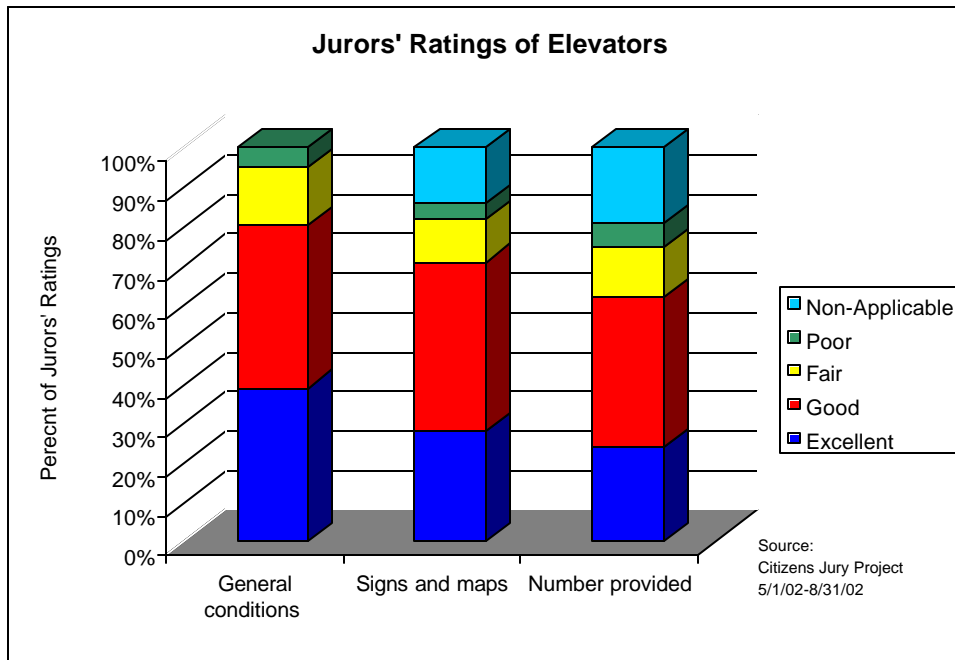
Although modern, newly designed facilities can address many court security concerns, revamping a building from 1909 and the G.O.B, a building not designed to house courts of law, are more difficult tasks. The following recommendations address some of the many steps and precautions that must be taken to ameliorate the inadequate security currently provided.

Recommendations:

- Staff the entrances on the front and back side of the county courthouse and G.O.B.
- Provide scanning devices at all entrances. Devices that all people –court users and employees of the court- must pass through on a daily basis.
- Lock all doors but the two primary entrances into the court facilities.
- Construct separate entrances for the judges, which are also locked and monitored.

(B) Elevators

The elevators in the court facilities were generally rated favorably, with jurors’ ratings of “good” and “excellent” far outnumbering the percent of negative comments received in all three categories.



Five jurors provided written comments in regard to the elevators, three of whom complained that one elevator is broken and that both elevators need to function properly. One juror complained that jurors have to climb too many stairs prior to accessing the elevators, while another juror complained that elevator service should be available to the restrooms and vending machines in the facility. These complaints can be of particular concern for jurors with disabilities or elderly jurors.

Chautauqua: Elevators	
One elevator does not work/both elevators should function properly	4
Elevators are inaccessible: too many stairs	1
Elevators are inaccessible: service is needed to restrooms and vending machines	1

Recommendation:

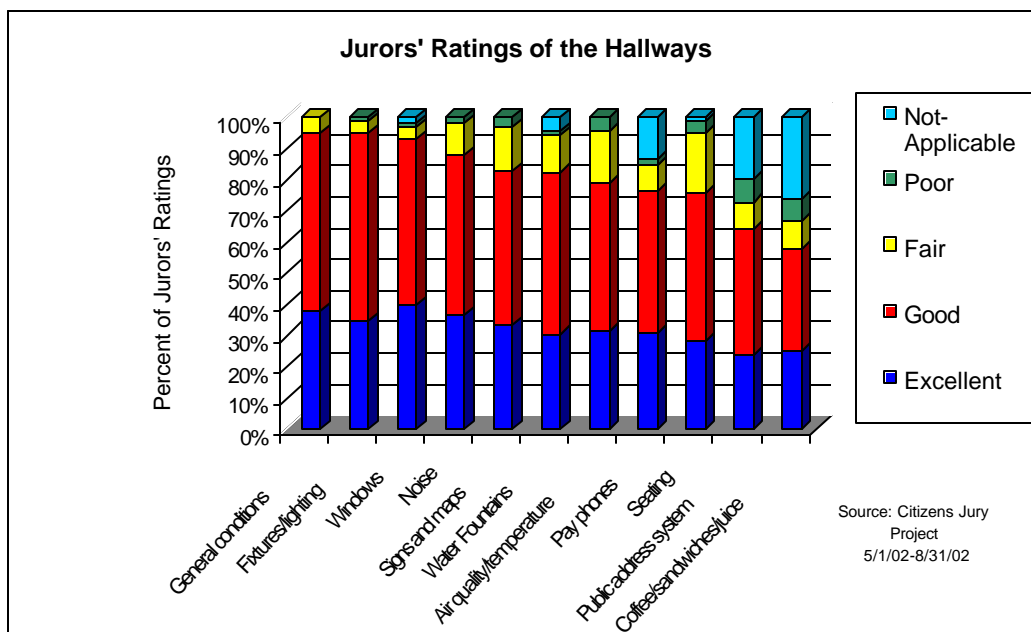
- Consistently repair and maintain the elevators in working order. The elevators provide the only access to the restrooms for people with disabilities.

(C) Hallways & Assembly Room

The hallways in the Mayville courthouse play the unique role of being both a passageway for litigants, judges, and jurors, and the jury assembly room, when the county room must be used for a trial or confidential matters. Thus, the jurors' ratings of the hallways are quite significant: the hallways are an area where jurors often spend their time waiting and gaining impressions of the court facilities and processes.

The jurors' ratings of the hallways are generally positive, with all categories receiving the majority of "good" or "excellent" ratings. Jurors are most critical of

the availability of coffee, sandwiches, and juice, yet almost 30% of the respondents also rated that category “not-applicable”. Perhaps more telling are the jurors’ ratings of the public address system and the seating in the hallway. Acoustics in the court are a perpetual concern, but also not an uncommon court facilities concern. Seating in the hallways is a less common concern, as most courts are equipped with jury assembly rooms.

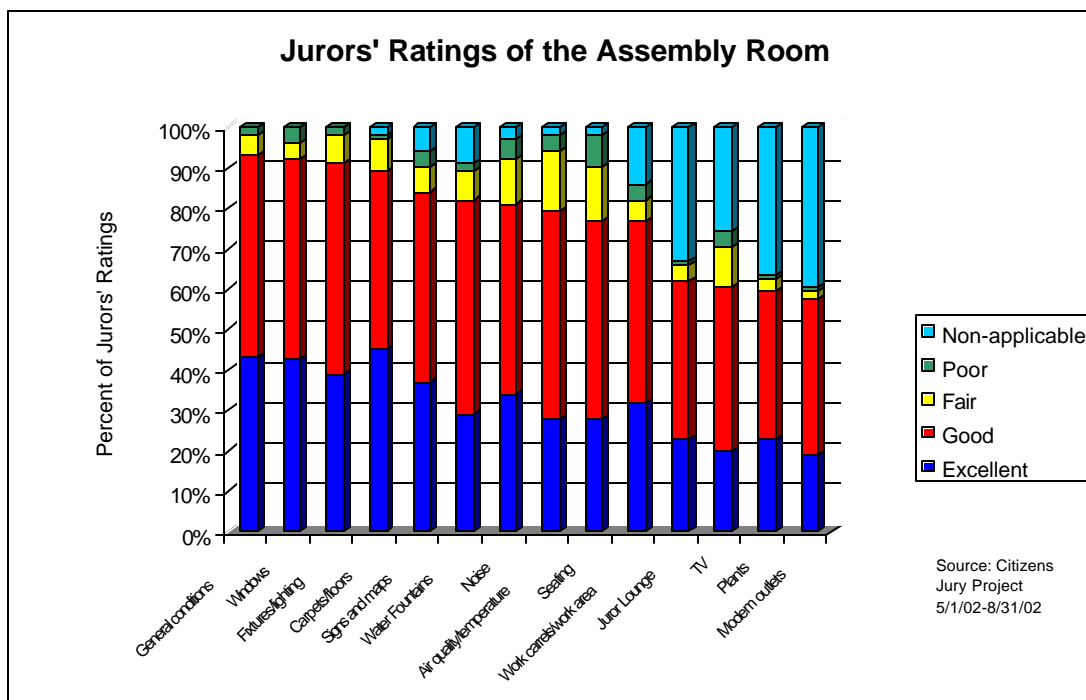


In their written comments, jurors also suggested that the seating and acoustics are poor, yet it is difficult to discern whether the written comments are directed toward the seating in the hallway or the county courtroom. For this reason, the common written concerns will follow the graph of jurors’ ratings of the assembly room, and can be considered to pertain to both.

The category “jury assembly room” is difficult to assess in regard to Chautauqua court facilities, because there is no such area in the facility. It can be assumed that jurors’ ratings of the assembly room primarily apply to county courtroom, but also can be associated with the hallways outside of the courtroom, where jurors often must wait.

The graph below illustrates jurors’ ratings of various aspects of the county courtroom and hallway. Again, jurors primarily rate each area positively; the ratings “good” and “excellent” comprise over 50% of each categories total ratings. The four most poorly rated areas- modem outlets, plants, TV, juror lounge-were rated as “non-applicable” by a large percentage of jurors, and therefore are less significant than jurors’ ratings of the work area, seating, and air quality/temperature. Although the seating, air quality and work space are rated positively, in comparison to areas that received the highest ratings, such as the general conditions of the assembly room, their ratings look less favorable. While the general conditions received 93% positive comments,

seating received 77%; in a classroom setting, that would be the difference between an A and a C.



Jurors’ written comments on the hallway and assembly room reflect the less positive aspects of these areas in the facility. Jurors wrote that that the public announcement system does not work well and therefore it was difficult to hear court officers addressing the jurors and to hear the orientation video. Two jurors’ comments particularly reflect how poor acoustics are not only tedious for jurors, but are a safety concern and can affect their ability to comprehend the court proceedings:

“During a fire drill we could not hear the instructions.”

“The acoustics are not good—D.A.s and witnesses were very difficult to understand. Why couldn’t the mikes have been on and used?”

Hallway/Assembly Room: Acoustics	
Difficult to hear court officials addressing jurors	6
The public announcement system does not work well	3
Could not hear the video	1

The air quality/temperature written comments provided by jurors indicate that, during the time of this assessment, the temperature was not moderated appropriately. Certainly, appeasing all jurors’ temperature preferences is a difficult task; however, this task becomes more difficult when jurors are not kept in one centralized jury room, but are instead relegated to a county courtroom, hallways, or legislative chambers.

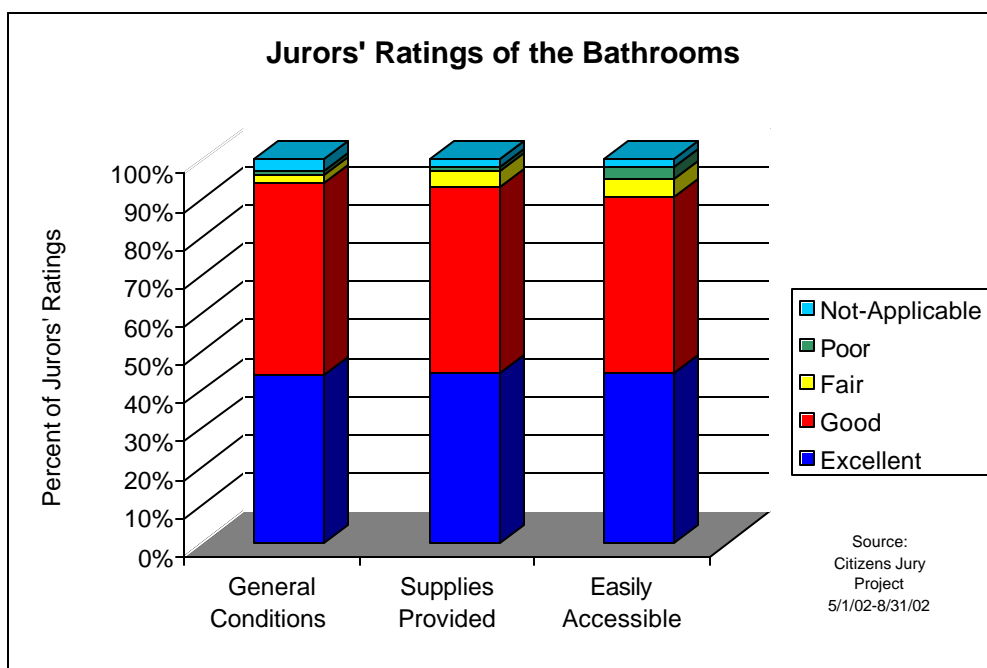
Hallway/Assembly Room: Air Quality/Temperature	
Temperature of courthouse is too hot	3
Temperature of courthouse is too cold	2
Temperature in the legislative room needs to be moderated	1
Fans make the courtroom too breezy	1

Recommendations:

- Provide a jury assembly room for jurors. If a new facility is not built, a room that can continually serve as a jury assembly room must be designated in the existing facility. The current arrangements for jurors are exclusionary and are detrimental to court procedure and jurors' safety and comfort.
- Improve the acoustics in the court facilities, particularly the county courtroom and hallways of the county court and G.O.B.
- Consider improving the centralized air in both the county courthouse and G.O.B., if a new facility is not built. Between 1989-1993 the air system in the county courthouse was reconstructed and a new air conditioning unit was installed in the supreme court. However, temperature and air circulation are issues that have become priorities again: jurors, court users, and court officials often complain that the system is inadequate and it is difficult to moderate the temperature. As was specifically discussed in section IIB, a well-functioning central air system will also improve courtroom acoustics, as plug-in fans and similar makeshift equipment can inhibit jurors' ability to hear the proceedings.

(D) Bathrooms

In the Citizens Jury Project's ongoing assessments of New York and Kings County courts, the cleanliness and maintenance of bathrooms are difficult, perpetual issues. This is clearly not the case in Chautauqua County Court, which receives quite positive comments on the bathrooms and their maintenance. It is noteworthy that the category that received the least positive ratings was "easily accessible".



Although over 80% of the population rated the accessibility “excellent” or “good”, the written comments in regard to bathroom accessibility illustrate that some jurors were acutely aware of the lack of accessibility for jurors with disabilities. Tellingly, two jurors with disabilities provided the only written comments about the bathrooms: they complained that the restrooms were inaccessible.

Recommendations:

- Continue to maintain the upkeep and cleanliness of the bathrooms.
- Build bathrooms that are accessible for individuals with disabilities. If a new facility is not built, the current facility must be reconstructed to offer accessible restrooms in the county courthouse and G.O.B.

(E) Parking and Facilities Entrances

Court facilities parking was not addressed in the Citizens Jury Project survey, yet the issue was written about frequently in jurors’ written comments. Jurors strongly voiced that there is a need for more parking, and that there should be better signage to indicate where jurors can park.

Parking	
Facility needs more parking	8
Jurors did not know where to park	4
Parking is inaccessible	1

Related to jurors' concerns about where to park, are jurors' written comments about directions provided to the courthouse and the signage outside and inside of the facilities.

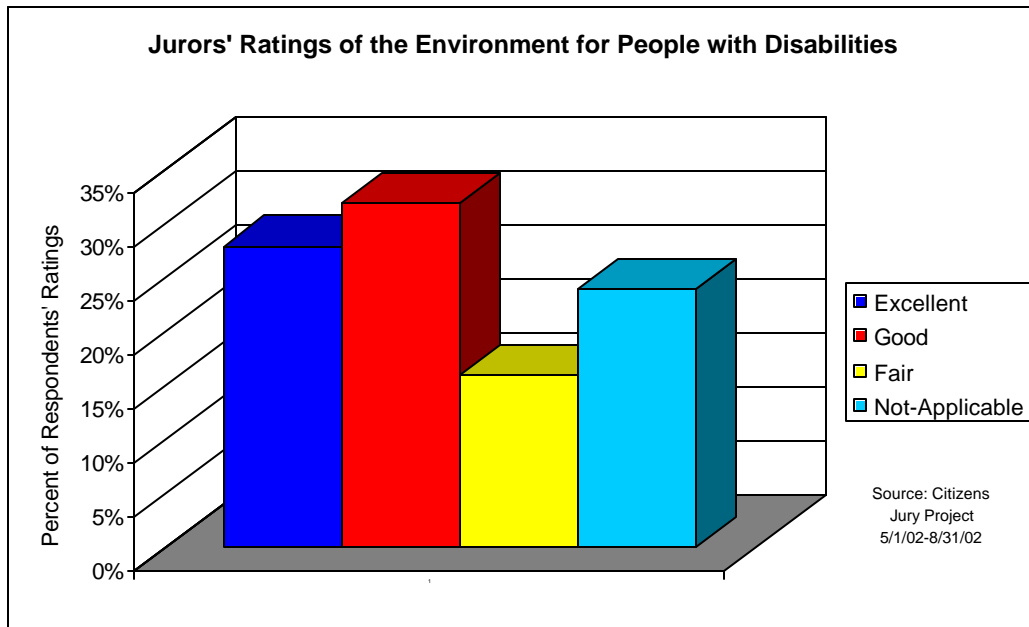
Directions to and within the court facilities	
Need clear directions to the building	9
Jurors did not know where to park	4
Map and directions unclear on the summons	4
Need clear signage in the courthouse and G.O.B.	2

Recommendations:

- Provide more comprehensive parking information on the summons.
- Improve the signage outside the building, so that jurors and other court users know where to park and what building to report to.
- Assess the signage and its placement in each building. Modify or create signage that is clear and accessible to all individuals.

(F) Court Facilities Environment for People with Disabilities

As discussed in part one of this report, the facilities issues that the Chautauqua courthouse faces are particularly problematic for court-users with disabilities. Although jurors' ratings and written comments reflect the inaccessibility of the facilities, due to the small sample size, individuals with disabilities were poorly represented in the total number of jurors surveyed. The following graph illustrates that the almost $\frac{1}{4}$ (24%) of jurors surveyed marked "not-applicable" to the question on the survey that asks for an assessment of the general conditions of the environment for jurors with disabilities. Due to the large population of jurors who marked "non-applicable", a more detailed assessment is needed in order to accurately assess the general conditions of the court for people with disabilities. Of the population that responded, a majority rated the environment "excellent" or "good", yet 16% rated the environment for people with disabilities as "fair". Only two categories-the air temperature in the hallways and the seating-received poorer ratings than the category of the courthouse environment for people with disabilities.



The written comments were even more reflective of the issues that the inadequate facilities present jurors with disabilities. Jurors noted:

“Getting to the courtroom and leaving and getting to the restrooms was difficult due to the stairs. I am a handicap person and stairs are difficult for me.”

“You need elevator service from courtrooms to floors with restrooms and vending machines. If it is available, there’s no way of knowing. I am very disappointed with this facility.”

Jurors with injuries also voiced concern about the discomfort and frustration they felt due to unaccommodating facilities:

“There needs to be better accommodations for people with back injuries.”

“Better seating for people with back problems and older people is needed.”

Disability/Injury Accessibility	
Facility is unaccommodating	2
Moving from one court area to another is difficult for people with disabilities	2
Seating is unaccommodating for people with disabilities/injuries	2
Parking is inaccessible	1

Recommendations:

- Build bathrooms that are accessible for individuals with disabilities. If a new facility is not built, the current facility must be reconstructed to offer accessible restrooms in the county courthouse and G.O.B.
- Provide seating that is more comfortable and accommodating for people with disabilities or injuries, and the elderly. Whether or not a new facility is built, the court furniture must be accommodating.
- Reconstruct the ramp on the back entrance, to decrease its slope and avoid future accidents for people who utilize wheel chairs.

V. Recommendations and Conclusion

Chautauqua County's court facilities are unique, yet also reflect the issues that many courts in New York have faced or are facing since the Court Facilities Act was introduced in 1987.³⁰ The State of New York has 275 buildings in 118 jurisdictions outside of New York City and trial court filings (excluding town and village courts) that exceed all of the federal trial courts in the nation combined.³¹ In 1981, the NY State Court Facilities Task Force found that the size of the system and the demand for the courts put a strain on the State's facilities, more than one half of which were in great disrepair and in need of basic maintenance and refurbishment.³² Since that time, over forty new court facilities have opened, and more than fifty have undergone substantial court renovations and expansions. The Citizens Jury Project suggests that it is now time for Chautauqua County to act, and in that way to join many counties, in the decision to invest in accessible and adequate courts of law.

Unquestionably, Chautauqua's current economic situation is also reflective of the state as a whole. The economic downturn after 9/11, combined with the County's significant investment in a new high school facility in Mayville, a community with an aged rather than young population, are factors that may

³⁰ The Court Facilities Act stemmed from the 1981 report by the New York State Court Facilities Task Force and a subsequent proposal issued by former Chief Judge Sol Wachtler and former Chief Administrative Judge Joseph Bellacosa in 1985. This proposal suggested that significant legislative action was needed to assist local governments' financing of court facilities repair, planning and construction. The proposal recommended that an existing state agency assist local governments in considering funding alternatives and that the state assume some of the cost, which could be offset by raising court-related fees, identifying alternative revenue streams, and by capping and time-stretching projects. In order to promote local compliance, the proposal also suggested that the court system discourage and penalize non-cooperative local governments. After two years of debate, the Court Facilities Act was enacted, with the essential elements and recommendations suggested in the initial proposal, including a capital planning process, involvement of the State Dormitory Authority, court fee increase, and a revised penalty provision. MATTHEW T. CROSSON, COURT FACILITIES PLAN SEES JUSTICE UPGRADED, N.Y. LAW JOURNAL, Jan. 17, 1990 at 39.

³¹ QUINTIN JOHNSTONE, NEW YORK STATE COURTS: THEIR STRUCTURE, ADMINISTRATION AND REFORM POSSIBILITIES, 43 N.Y.L. SCH. L. REV. 915 (2000).

³² HON. E. LEO MILONAS, STATE COURTS: GRACE UNDER PRESSURE; FACILITIES HAVE IMPROVED, BUT MORE PROGRESS IS NEEDED, N.Y. LAW JOURNAL, Jan. 24, 1994 at S1.

have caused county officials to view a new court facility as an indulgence, not a necessity. However, this report has clearly illustrated that the Gerace Office Building is a facility that evokes grave procedural and safety concerns, concerns that outweigh fiscal constraints. Despite over thirty years of unflagging efforts by court administrators, officials, and county legislatures to devise schemes to maximize or reconfigure the space, the structural design of the building precludes the possibility of creating space that complies with the State's minimum space requirements and allows for proper court zoning and circulation. Section V.1 of Part 34 in the Guidelines for New York State Court Facilities (22 NYCRR S 34.0 (2002), which outlines when the construction of a new courthouse should be considered, is applicable:

- A. The existing structure needs replacement because of structural and other deterioration, which would require more financing to remedy than would be for a new courthouse.
- B. The existing needs for court facilities far exceed those that can be accommodated in the existing structure even with extensive renovation.
- C. Expansion of the existing structure to accommodate present and projected future needs cannot be accomplished by building an addition to the existing structure.
- D. The space and facilities needs of the courts in conjunction with the needs of other governmental agencies would be best met by building a new structure.
- E. Where court facilities are substantially located in leased spaces and where it would be more cost-effective to house them in a new publicly owned structure.
- F. Where the historic landmark status or the structure prohibits suitable renovations of the existing courthouse.

The G.O.B., in its current condition, should not continue to house courts of law. Further, the amount of renovation and expansion that G.O.B. requires in order to meet the needs of a courthouse, both functionally and aesthetically, seem to require an investment equivalent to that of a new facility. The list of renovations that are needed to ensure that court users and officials are safe and that court procedure may be followed properly, include, but are not limited to:

- 1. Build disability-accessible bathrooms on the floors of the G.O.B. that house the surrogate and family court.
- 2. Create corridors and passageways that judges may pass through, in order to avoid intermingling with the general public.
- 3. Construct separate entrances for the judges, which are locked and monitored.
- 4. Construct crime victim waiting rooms.
- 5. Construct attorney/client conference rooms.
- 6. Construct private law clerk offices.
- 7. Construct disability-accessible court records rooms.
- 8. Construct a Grand Jury room, with a secure witness waiting area.
- 9. Expand waiting room facilities for family court users.
- 10. Expand the size of both the family and surrogate courtrooms.

Additionally, as the surrogate court is also used to hear supreme jury trials, CJP recommends that a disability-accessible jury box be built in the courtroom.

11. Construct rooms in which family court programs, such as C.A.S.A., can be conducted and offices in which program employees can work out of.

In light of these court facility needs, CJP recommends that Chautauqua County build a new facility or that an appropriate building should be renovated to serve as the County's court facility. Of the two options, CJP finds the construction of a new court facility more favorable. As was discussed in section IIE, the architecture of modern courthouses is unique, and difficult to replicate in a building not designed to be a courthouse. The procedural, security, and safety concerns that consistently arise in the G.O.B. exemplify the problems that will arise in renovating, for example, the old Mayville high school into a courthouse. Although the high school offers more space, like the G.O.B, the high school has multiple entrances and, without significant reconstruction, appears to lack the ability to provide proper circulation routes. Ultimately, the question of which option should be chosen is best assessed by architects, and should be addressed as expeditiously as possible. The current conditions of the G.O.B. are dire and affect the administration of justice in the G.O.B. and the county courthouse.

CJP also recommends that Chautauqua County court officials and legislators consult with the Office of Court Administration and courts that have constructed a new facility or transformed a non-court facility to a courthouse. Genesee, Wayne, Washington, and Wyoming Counties are all examples of counties that have built new courthouses, while the Norwich Center Court and the Rensselaer Family Court have successfully converted a non-court to a court facilities space.³³ These counties' experiences can be learned from: although each county faces unique challenges, each also must face similar funding alternatives (including increasing sales tax or bonding or both), difficult social and economic climates, and the need to achieve balance in the communities' infrastructure investments. Indeed, the Court Facilities Act serves the purposes of promoting dialogue and comparisons between counties, while also enforcing the need for county involvement and accountability. A decision to invest in accessible court facilities fosters local involvement and pride in the courts, which may then effectively arbitrate and also educate.

³³ RONALD YOUNKINS, COURT FACILITIES RENEWAL, NYSBAJ (FEBRUARY, 2001). Available at: http://www.nysba.org/Content/NavigationMenu/Attorney_Resources/Shop/Bar_Journal/younkins.pdf

Appendix A: Juror Court Facilities Survey 2002

CITIZENS JURY PROJECT

A PROJECT OF THE FUND FOR MODERN COURTS

JUROR COURT FACILITIES SURVEY 2002

Marking Instructions

- Use a No. 2 pencil or blue or black ink pen only.
- Do not use pens with ink that soaks through the paper.
- Make solid marks that fill the oval completely.
- Make no stray marks on this form.
- Do not fold, tear, or mutilate this form.

County Code

01 Albany	15 Madison	25 St. Lawrence
01a Supreme	16 Monroe	26 Steuben
01b County	16a Supreme	27 Suffolk
02 Broome	16b County	27a Supreme
02a Supreme	17 Nassau	27b County
02b Criminal	17a Supreme	28 Tompkins
03 Cortland	17b District	29 Ulster
04 Chautauque	18 New York	30 Washington
04a Supreme	18a 60 Centre St.	
04b County	18b 100 Centre St.	
05 Chemung	18c 111 Centre St.	
05a Supreme	19 Niagara	
05b County	20 Orleans	
06 Chenango	20a Supreme	
07 Clinton	20b County	
08 Columbia	21 Orange	
09 Essex	22 Putnam	
10 Genesee	22a Supreme	
11 Herkimer	22b County	
12 Jefferson	23 Queens	
13 Kings	23a City	
13a 120 Schenectady St.	23b Supreme	
13b 300 Adams	23c Criminal	
14 Livingston	24 Richmond	

Date

MO.		YEAR	
1	2	3	4
5	6	7	8
9	0	1	2
3	4	5	6
7	8	9	0
1	2	3	4
5	6	7	8
9	0	1	2

Including this service, how many times have you served as a juror in NY Courts?
1 2 3 4 5 6 7 8 9

This is my...
 1st 2nd 3rd (or more) day of service.

The Citizens Jury Project is an independent, non-profit organization that strives to make systemic reforms to conditions in the courts for jurors. To do this, we rely on juror's perspectives — your positive and negative comments. We greatly appreciate your thoughtful responses to this survey, including your written comments that can be made on the back side of this survey.

	Excellent	Good	Fair	Poor	N/A
Lobby & Security					
General conditions (cleanliness)					
Waiting time in lines to enter facility					
Signs and maps					
Fixtures/lighting					
Public address system					
Feel safe/comfortable/secure					
Elevators					
General conditions (working properly)					
Number provided					
Signs and maps					
Hallways					
General conditions					
Fixtures/lighting					
Signs and maps					
Windows (cleanliness)					
Noise level					
Pay phones					
Air quality/temperature					
Water fountains/coolers					
Seating					
Coffee/sandwiches/juice					
Public address system					
Assembly Room					
General conditions					
Fixtures/lighting					
Signs and maps					
Windows (cleanliness)					
Carpets/floors					
Plants					
Noise level					
Work carts/work area					
Air quality/temperature					
Water fountains/coolers					
Seating					
TV					
Modern outlets (located in, or in the vicinity of the assembly room)					
Juror lounge					
Public address system					

Bathrooms	Excellent	Good	Fair	Poor	N/A
General conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Easily accessible/not crowded	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supplies provided, i.e., soap, paper towel	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Environment for people with physical disabilities

If you have a physical disability, please rate the accessibility of the facility here and provide specific comments and suggestions below.

General conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Written Comments

Additional Comments:

Specific Suggestions:

Indicate the topic area most in need of attention:

THANK YOU!



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 New York, New York 10019
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 www.juryproject.org
 A project of the Fund for Modern Courts: www.moderncourts.org

Appendix B: Checklist for Disability-Accessible Restrooms

Provided by the Northern Regional Center for Independent Living, Watertown, NY

Note: Americans with Disability Act Accessibility Guidelines (ADDAAG) regulations are used except in cases where NY State Building Code (which references ANSI Code) s more stringent.

Code	Site Component
4.13.9	Is the door handle to restroom lever-style, C-style, or push style?
4.13.5	Is the door to the restroom at least 32" wide?
ANSI 4.17.2	If no toilet stall is present, is the width of the clear floor space at least 42" from the center line of the toilet to the farthest side wall?
4.13.5	If the toilet stall is present is the stall door at least 32" wide?
ANSI 4.18.3	If the toilet stall is present , is the stall at least 60" wide
ANSI 4.18.3	If the stall door swings out, is the stall 56" deep for wall-hung toilets or 59" deep for floor-mounted toilets?
ANSI 4.18.3	If the stall door swings in, is 36" of additional depth provided (92" for wall-hung toilets and 95" for floor-mounted toilets)?
	If toilet stall was removed, would the restroom then have the appropriate clear floor space?
4.17.3	ADA allows for smaller toilet stall dimensions for alterations to existing facilities: door must swing out: depth of 66" for wall-mounted toilets and 69" for floor-mounted toilets; 48" width if grab bars are located on side and back OR 36" width if 42" grab bars are located on both sides. These dimensions do not meet NYS Code
4.17.4	If toilet stall is present, does at least one side of the stall provide at least 9" toe clearance from floor to bottom stall?
4.17.5	Is there at least a 48" wide approach path to the hinge side of the toilet stall door, or at least a 42" wide papproach path tho the latch side of the toilet stall door?
4.16.3	Is the height of the toilet seat between 17"-19"?
4.17.3	Is the space between the center of the toilet and the closest side wall 18"?
4.16.4	Is there a sturdy grab bar behind the toilet at least 36" long and at a height of 33"-36"?
4.16.4	Is there a sturdy grab bar beside the toilet at least 42" long and at a height of 33"-36"?
4.16.5	Is the flush control for the toilet hand operated or automatic? Is it on the west side of the toilet, no higher than 44"
4.16.6; ANSI 4.17.6	Is the toilet paper dispenser mounted 19"- 48" high and between 7"-9" from the front of the toilet? Is the paper flow continuous?
4.18.2	Does the urinal have an elongated rim that is no higher than 17"?
4.19.3	Is the clear floor space in front of the sink at least 30" wide?
4.16.5	Is the clear floor space in front of the sink at least 48" deep?
4.19.2	Is the rim of the sink no higher than 34"?
4.19.2	Is the space between the floor and the bottom of the sink at least 27"?
4.19.2	Is there toe space of at least 9" between the floor and the bottom of the sink pipes?
4.19.2	Is the depth from the wall to the front desk at least 17"
4.19.4	Is the area under the sink free of sharp or abrasive surfaces?
4.19.4	Are the sink's hot water and drain pipes covered or wrapped?
4.19.5	Are the sink handles lever-operated, push-type, or automatic (at

	least 10 seconds in length)?
ANSI 4.16.8	Is the bottom edge of the mirror no higher than 38”?
4.2.5, 4.2.6	Are soap and paper towel dispensers or hand dryers located no higher than 48” for front reach or no higher than 54” for side reach?
4.2.5, 4.2.6	Is the light switch located no higher than 48” for front reach or no higher than 54” for side reach?
4.17.5	Are the latches or locks on the inside of restroom doors and/or toilet stalls appropriate (lever-style or push-button style) and a maximum of 48” high?
ANSI 4.18.7	If a coat hook is provided, is it no higher than 54”?
ANSI 4.18.7	If a fold-down shelf is provided, is it between 40”-48” from the floor?
4.30	Is the sign for the restroom appropriate—words, Braille, (pictures optional, but if provided they must be accompanied by words) raised or indented type, contrasting colors? Is the center of the sign mounted on the wall beside the door at a height of 60”?