



Report on the Saratoga County Family Court

The Capital District Court Monitors

2003

It is desirable that the trial of causes of action should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed.

Justice Oliver Wendell Holmes
Cowley v. Pulsifer
137 Mass. 392, 294 (Mass. 1884)

The Fund for Modern Courts is a private, nonprofit, nonpartisan organization dedicated to improving the administration of justice in New York. Founded in 1955, and led by concerned citizens, prominent lawyers, and leaders of the business community, Modern Courts works to make the court system more accessible, efficient, and user-friendly for all New Yorkers.

The centerpiece of Modern Courts' efforts is our groundbreaking citizen court monitoring program, which gives citizens a powerful voice in how their court system is run. Our monitors, who now number more than 600 in over a dozen counties throughout New York State, have succeeded in obtaining numerous tangible improvements in the state's courts. This report details the findings of our citizen court monitors regarding the Saratoga County Family Court. We hope their recommendations will help to obtain improvements for the residents of Saratoga County that the court serves.

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I. THE PROJECT

Court Monitoring in New York State

The Fund for Modern Courts is a private, nonprofit, nonpartisan organization dedicated to improving the administration of justice in New York State. Since 1975, Modern Courts has sponsored court monitoring programs around the state, through which ordinary citizens observe and evaluate their courts, report their findings, and issue public recommendations for improvement. Today, groups of court monitors are active in 16 counties.

For over twenty-five years, court monitoring has proven to be highly successful at achieving numerous public-interest objectives, including:

- publicizing problems that exist in the courts;
- successfully urging those responsible for the courts to make improvements, particularly in how the courts serve the public and how their personnel treat the public; and
- educating citizens about the daily functions and operation of their courts; thereby creating a constituency of citizens who understand the problems facing the courts and who are supportive of the courts' efforts to function efficiently and effectively.

Monitors are non-lawyer volunteers who have a sincere interest in the efficient operation of their local courts. They look at the courts from an outsider's viewpoint, thereby providing a fresh, common-sense perspective on how the courts can be improved. During the monitoring project, these volunteers observe proceedings in a particular court for a period of several months, and complete forms designed to help them to evaluate all aspects of the court's performance, ranging from the demeanor of the judges to the physical conditions under which the court operates. Modern Courts then publishes the monitors' findings in a detailed report, which is sent to the judges and court personnel observed, the administrators of the state court system, state and local legislators, the news media, and other interested parties.

Modern Courts' citizen court monitoring program has been influential in solving many of the problems that ordinary citizens face in the courts. Monitors' comments:

- have aided in the establishment of in-court child care facilities in numerous courthouses across the State.
- led to the implementation of a "staggered" calendar, modeled directly on monitors' recommendations, which has drastically reduced both waiting time and overcrowding.
- have led to a renewed commitment to courthouse upkeep by local governments.

Monitors were also influential in the State Office of Court Administration to introduce a mandatory "civility training" program for all non-judicial court personnel.

On a larger scale, monitors' reports were instrumental in encouraging the State legislature to pass the Court Facilities Act of 1987, which has led to construction of desperately needed new court facilities around the State. In the Third Judicial District, for example, the county converted an old jail facility into a new courthouse for the Rensselaer County Family Court. The court opened in 1998, replacing a deplorable facility that had been criticized by monitors in several reports. Other new courthouses are scheduled for construction over the next several years. Monitors' reports also influenced recent reforms to make jury service less burdensome.

Overall, citizen court monitoring has improved communication between citizens and the judiciary, heightened the court system's sensitivity to public needs, and helped to ensure that those needs are met.

The Capital District Court Monitors

The Capital District Court Monitors observe and report on courts in Albany, Rensselaer, Saratoga, and Schenectady Counties. In 2001, the Capital District Court Monitors chose to evaluate the conditions in the Saratoga County Family Court.

The family court deals with some of society's most serious problems, involving children and families in crisis. However, due to its status as a "lower" court within the current court system, it has been forced to operate with fewer resources than the state's so-called "superior" courts. Moreover, public attention has rarely been focused on the operation of the family court, since it often functions as a "closed" court (although, in 1997, changes have been instituted to open family court proceedings to the public and press). Much needed reforms will be instituted only when the public is made aware of the actual conditions in the Family Court, which is why the Capital District Court monitors chose to undertake this project.

Monitors also wished to evaluate another aspect of the Family Court's operations: a pilot project unifying the family and matrimonial divisions. Under New York's antiquated and labyrinthine nine-tier trial court system, in order to obtain a divorce, the parties may be required to litigate different issues in as many as three separate courts. While the Supreme Court has jurisdiction over divorces, custody and support issues must be heard in the Family Court; and in cases, where family offense proceedings are involved, the parties must also go to County Court. Chief Judge Judith S. Kaye has proposed a constitutional amendment that would create a permanent solution to these problems by consolidating the court system's nine tiers into two, and elevating the Family Court to a division of Supreme Court, thus enabling one judge to preside over all aspects of such cases. However, this plan has encountered significant political opposition. As an interim solution, the Judge Kaye and the Office of Court Administration established a pilot project creating unified family and matrimonial divisions. The Fourth Judicial District, which includes Saratoga County, was chosen to inaugurate the program.

Under this program, Saratoga County Family Court Judges have been designated Acting Supreme Court Justices in order to handle all the County's matrimonial cases. This designation allows Family Court judges to integrate matrimonial proceedings with custody, visitation, child support, and other ancillary issues that commonly arise in divorce cases and hopefully will reduce the time, energy, and resources expended by litigants who have in the past had to maneuver between multiple courts and multiple judges.

An orientation for the project was conducted an orientation session for the monitors at the Family Court facility on September 30, 2001. At the orientation, Family Court Judges Courtenay Hall and Gil Abramson, Hearing Examiner Arthur Spellman, and Chief Clerk Susan Samascott spoke to the volunteers and provided an overview of how the court functions. The presentation ended in a tour of the court facility. Modern Courts former Capital District Coordinator Helga Schroeter distributed court monitoring handbooks and monitoring forms and gave instructions to the monitors on the court etiquette and procedure. The monitors began their visits to the court the following week.

Ms. Schroeter also held two additional meetings with the monitors, one midway through the project, and one after the project's conclusion. At these meetings, monitors shared their observations and experience, and formulated joint recommendations. Summarized below are their findings regarding all aspects of the Saratoga County Family Court, including court personnel, operations, security, the physical facility, and the performance of various agencies that serve users of the Family Court.

II. THE FAMILY COURT IN NEW YORK STATE

In 1962, the New York State Legislature passed the Family Court Act, which created a statewide Family Court. The Family Court replaced the Domestic Relations Court of the City of New York and the Children's Courts outside New York City.

The Family Court was given jurisdiction over most issues involving children and families, including paternity, custody, visitation, child support, child abuse and neglect, delinquency, and violence and abuse among family members. The Family Court does not have jurisdiction over divorce, separation, or annulment proceedings, which are heard in Supreme Court. Jurisdiction over adoptions is shared with the Surrogate's Court, which also oversees inheritance cases.

Family Court differs from the other courts in New York's justice system in several ways. First, there are no jury trials in the Family Court. Second, unlike the criminal courts, it was not designed to mete out punishment for criminal offenses. Third, when the Family Court was created, it was not intended to be adversarial; rather, it was intended to be a "remedial" court, in which a judge uses the professional staff of the court and of other governmental and private agencies to devise programs to resolve family problems. This distinctive approach is reflected in the terminology used in Family Court: Plaintiffs, complainants, and the prosecution are called "petitioners"; defendants are called "respondents"; trials are designated "fact-finding hearings"; and sentences are known as "dispositional orders." However, in today's Family Court, children are usually represented by counsel; adult parties also may be represented by counsel, whether private or assigned. Moreover, the Family Court must resolve some of the most intimate, contentious problems facing individuals and families. Thus, as a practical matter, it is indeed an adversarial court.

Public Access

Although the Family Court technically is an open court (and has been "open" since its inception), the often-sensitive nature of proceedings has led many judges and court administrators to operate as though it were a closed court. In addition, most Family Court courtrooms are small and unable to accommodate large numbers of spectators.

In June, 1997, the Office of Court Administration issued new rules reaffirming that the Family Court is an open court, and directing that the public and press be given broad access. The rules, which became effective on September 2, 1997, provide that

the Family Court is open to the public. Members of the public, including the news media, shall have access to all courtrooms, lobbies, public waiting areas and other common areas of the Family Court otherwise open to individuals having business before the court. Judges may exclude the public only on a case-by-case basis.

Caseload

Since the Family Court began operations in 1962, a substantial increase in the divorce rate, the drug abuse epidemic of the 1970s and 1980s, and the emergence of child and domestic abuse as social problems have contributed to an explosion in the Family Court's caseload. In 1985, a total of 391,322 cases were filed statewide; ten years later, that number jumped to 591,577. By 1998, there were a total of 663,603 filings in Family Courts across the state. While a staggering number of drug-related cases flooded the family and criminal courts in the late 1980s, more recently, the growth of Family Court filings has been spurred by increases in cases involving child custody, child support, and termination of parental rights.

In the past five years, filings in the Family Court have slowly increased. From 1998 to 1999, filings increased by a mere 72 cases to 663,675. A more substantial increase of 18,310 occurred between 1999 and 2000. Statewide Family Court filings in 2001 totaled 682,347 which represented a slight increase from the 2000 figure of 681,985. In 2002, there were 711,697 filings which represented a 4 percent increase from the previous year's total.

Family Court Judges

Eligibility: Outside of New York City, Family Court judges must be residents of the county in which they serve. (In New York City, they must be residents of the city.) All Family Court judges must be attorneys admitted to the bar for at least ten years prior to assuming office.

Method of Selection: All Family Court judges outside of New York City are nominated in countywide, partisan primary elections and then elected in a countywide general election. (In New York City, Family Court judges are appointed by the Mayor by means of a merit selection process.)

Tenure: Family Court judges serve ten-year terms. If a judge is unable to complete a term, the governor appoints an interim judge to fill the vacancy until the next general election. Family Court judges may serve until a mandatory retirement age of 70.

Salaries: The standard salary for Family Court judges in Saratoga County is \$119,800, which is identical to the salary scale of Family Court judges in Albany, Rensselaer, and Schenectady Counties. However, their counterparts in New York City, Long Island, and Westchester County earn \$136,700 per year.

As part of its 1999-2000 budget request, the Office of Court Administration sought substantial pay raises for members of the judiciary. Action by the New York State Legislature in 1999 substantially raised judicial salaries, but left in place the disparity between NYC, Long Island, Westchester county salaried and those in other parts of the state. This disparity harking back to the period prior to 1977 when municipalities, rather than the state, were responsible for the costs of court administration.

There are currently two full-time judges in the Saratoga County Family Court.

Hearing Examiners

The position of Family Court Hearing Examiner was established by the New York State Child Support Enforcement Act of 1985 in response to federal funding regulations aimed at increasing and expediting collection of support payments.

Hearing examiners are not judges, but they are authorized to hear and make decisions on support and uncontested paternity matters. Decisions made by hearing examiners are binding. However, litigants dissatisfied with a hearing examiner's decision may object, and a resolution of the objection will be handled by a Family Court judge. Hearing examiners are not authorized to issue warrants or to hold individuals in contempt of court; they must forward requests for such actions to a judge.

Hearing examiners have greatly eased the burden on judges by hearing support cases, which can be time-consuming and place growing demands on the court's time. Hearing examiners often advance to judicial office.

Eligibility: The Uniform Family Court Rules of the State of New York mandate that hearing examiners "shall be attorneys admitted to the practice of law for at least five years and shall be knowledgeable with respect to Family Court procedure, family law, and federal and state support law and programs."

Method of Selection: Candidates are appointed by the Chief Administrative Judge of the State of New York, after screening in each judicial district by a commission consisting of the district administrative judge, a Family Court judge, and a representative of the Chief Administrative Judge.

Salaries and Tenure: Hearing examiners in New York State earn \$78,103 annually. They serve three-year terms, with reappointment at the discretion of the Chief Administrative Judge.

The Saratoga County Family Court has one full-time hearing examiner and one part-time hearing examiner.

Appeals Process

An appeal from Family Court is heard in the Appellate Division of Supreme Court. (New York State is divided into four Judicial Departments; appeals from the Saratoga County Family Court are to the Appellate Division, Third Department.) Further appeals are brought before the Court of Appeals, New York State's court of last resort.

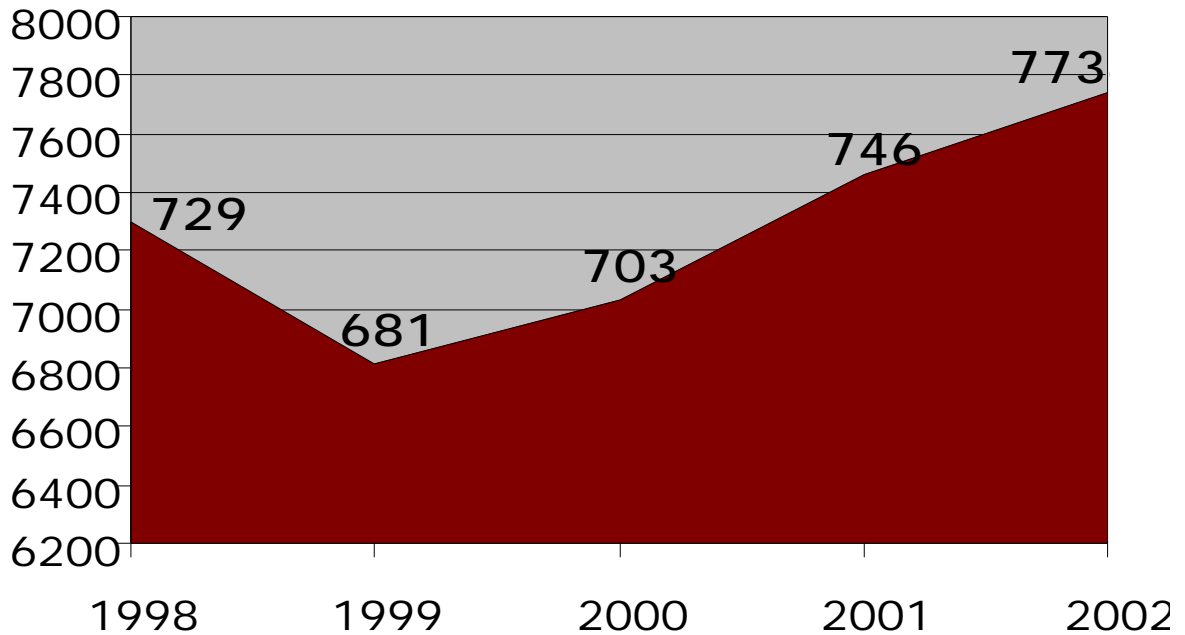
III. THE SARATOGA COUNTY FAMILY COURT

The Population It Serves: Saratoga County

Saratoga County is part of the four-county region, including Albany, Rensselaer, and Schenectady, loosely identified as New York's "Capital District." Saratoga County is bordered on the south by Albany County, home of New York's capital city. It has a geographic area of 812 square miles. Ballston Spa serves as the county seat. As of the 2000 US census, the county's population was 200,635 which represents a substantial increase from 1990 census figure of 181,276.

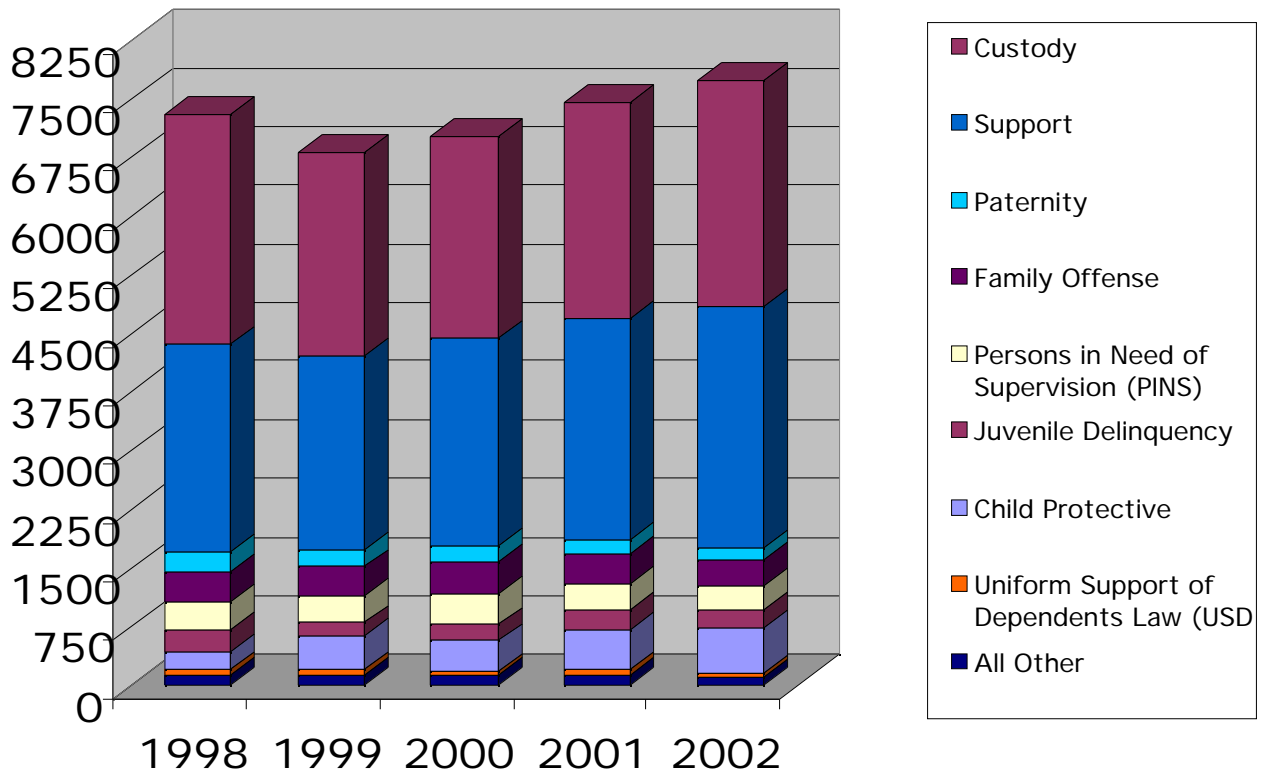
Caseload

Total Filings in the Saratoga County Family 1998-2002



The total filings in the Saratoga County Family Court have steadily increased in the past few years after experiencing a measurable decline in 1999. In 1998, there were 7,297 total filings. However, a significant decline occurred in 1999 (6,817 filings) that can be attributed in large part to a decline in custody and support filings for that year as illustrated by the following chart. However, total filings have increased each year since 2000 when there were 7,032 total filings. In fact, filings totaled 7,738 by 2002.

Total Filings by Petition Types in the Saratoga County 1998-2002



In recent years, the overwhelming majority of the cases filed in the Saratoga County Family Court have been support or custody cases with support filings increasing at a greater rate than custody ones. For instance, in 1998, there were 2,931 custody filings. By 2002, this number had actually dropped to 2,897. However, for the same period, support filings increased from 2,642 in 1998 to 3,071 in 2002.

Another notable trend was the dramatic increase in child protective filings during the period. In 1998, there were 218 child protective filings. This number had more than doubled by 2002 to 585 filings.

In 2001, the year that the monitoring project began, the majority of cases filed were support (2,826), custody (2,758), followed by child protective (585), family offense (383), PINS (346) and then juvenile delinquent (244) cases. Paternity (183) and USDL (61) filings constitute a relatively small portion of the Saratoga Family Court's caseload.

IV. THE JUDGES

Following are the monitors' evaluations of each judge in the Saratoga County Family Court. Monitors did not evaluate the judges' decisions or legal knowledge. Rather, they focused on their demeanor; their attitude toward litigants, attorneys, and court personnel; their efficiency in carrying out their duties; and their ability to maintain control of the proceedings.

This section includes biographical data on each judge and summaries of the monitors' findings. The judges are listed alphabetically by last name.

Hon. Gil Abramson

Judge Gil Abramson is a graduate of State University of New York (SUNY) at Albany, the Graduate School of Public Affairs at SUNY Albany, and Albany Law School. Prior to taking the bench, he served as a law guardian, a Deputy Town Attorney for the Town of Halfmoon, Assistant County Attorney in Saratoga County, and Chief Counsel for the New York State Senate Committee on Children and Families.

Governor George Pataki appointed Judge Abramson to the Saratoga County Family Court in March 2000.

General Observations

Thirteen monitors made a total of twenty observations of proceedings in Judge Abramson's courtroom.

Monitors found that "Judge Abramson has a friendly and welcoming manner" in the courtroom " while maintain[ing] an orderly but relatively informal atmosphere in his court."

Demeanor

Monitors described Judge Abramson as an "affable" and "informal" judge. They reported that he was "generally informal in demeanor" and even referred to attorneys as "you guys" but "comes across as very concerned [about the] children in the court." Another observer felt that he "had [a] good understanding of tension among participants" therefore "used humor whenever appropriate to ease the situation." Other monitors agreed with this assessment noting that Judge Abramson was "good" at making "informal comments to lessen tensions" and "often times the judge relates things in the courtroom directly to him, which makes everyone a bit more comfortable" One monitor witnessed a hearing during which " he uncharacteristically lost his temper" yet the monitor noted that he "regained his composure quickly."

In general, monitors found that Judge Abramson had a good rapport with litigants and others in the courtroom. He made "efforts to put youth at ease" and seemed "very

compassionate” to litigants. One monitor remarked, "The judge was professional but tried to show a "human" side. For example, he asked to see a photo of a baby whose mother was seeking custody" of the child. In another case, an observer noted, "Both respondents felt comfortable telling him they couldn't hear or didn't understand [and] in both cases Judge Abramson spoke up and explained what he had read." Another monitor reported, "Twice today he complimented clients who had worked out agreements between themselves."

Monitor also found that "the judge seem[ed] to have a good rapport with attorneys and agency people." One monitor observed, Judge Abramson offer a law guardian "conference" space "when he found out she was going to the her car to study [the] case for an afternoon return in a pending case."

The monitors were particularly impressed by the patience that Judge Abramson exhibited when interacting with litigants and attorneys. One monitor observed, he "took great care and showed patience [when dealing with] young clients – asking them, "What do you want to do?" or asking, "What of two choices would you prefer?" Another reported, "He took time to discuss a proposed agreement with the [a] young man who had responded with "sort of" to the judge's question about the understanding of the proposal."

Another monitor observed, "He was patient with the attorneys as they spoke to their clients." However, one monitor noted that although he generally "has patience" that patience did not extend to respondents in "nonpayment of support" cases.

Professionalism

Monitors generally found that Judge Abramson was "professional." They praised him for ensuring that "most cases have some resolution or specific 'next steps' even if temporary" and for "trying to [schedule] court dates without delay." Monitors also praised him for his thorough explanations: "He always explains what exactly is going on and asks to make sure the parties both understand why they're there and what the consequences are." However, some monitors felt that he was sometimes too "informal," including one monitor who felt that his "use of language was sometimes unprofessional." As an example, the monitor noted that he used the phrase "scared the crap out of ..." in the courtroom.

Command of Courtroom

Monitors found that Judge Abramson consistently maintained control of the courtroom. One monitor commented, "Judge Abramson works in a collaborative manner with lawyers, agency representatives, and doesn't stand on a lot of ceremony. Nonetheless, he is definitely in control." Another noted that he "doesn't hesitate to lecture or give advice when warranted (about getting treatment for substance abuse, for example)." One monitor also observed, "Judge Abramson emphasizes the importance of following his orders by explaining the consequences of not doing so with clear details." "He can also be tough when the situation calls for it - making it very clear to a young woman that she would have to attend school or face [foster] placement and incarcerating a man who had failed to pay support," another monitor approvingly noted.

Audibility

Monitors repeatedly commented that Judge Abramson was “difficult to hear” and that “audibility was a problem” in his courtroom. Monitors attributed his inaudibility to a “quiet” voice” and to the fact that “often times he mumbles.” One monitor reported that Judge Abramson even acknowledged that his audibility “could be improved” because he sometimes “mumbles.” Several monitors urged Judge Abramson “to speak louder and more clearly.”

Hon. Courtenay W. Hall

Judge Courtenay W. Hall is a graduate of Colgate University and Albany Law School. Prior to taking the bench, he served as an attorney in private practice, Assistant County Attorney in Saratoga County and later as the County Attorney.

Governor George Pataki originally appointed Judge Hall to the Saratoga County Family Court in 1998. He was subsequently elected on the Republican ticket to the Family Court.

General Observations

Twelve monitors made a total of twenty-three observations of proceedings in Judge Hall's courtroom.

Monitors described Judge Hall as a "concerned," "courteous," and "patient" judge who sometimes injected "humor" into the proceedings. Monitors also found that Judge Hall was "professional" and maintained control of the courtroom.

One monitor observed, "I had the opportunity to observe Judge Hall in a number of different roles today – as Family Court Judge, Acting Supreme Court Judge and as backup Surrogate; He performed well in all."

Demeanor

Monitors praised Judge Hall's "friendly" and "courteous" manner when interacting with litigants and other parties during the proceedings. One monitor reported, "Judge Hall is courteous, using sir or ma'am and often thanking witnesses, attorneys, and litigants for their time." Another monitor noted that he was "very friendly with children." This monitor observed one interaction in which the Judge Hall "invited [a] youngster to approach the bench to show his toy" which resulted in the child and mother being "very responsive" to his questions. Other monitors noted that he "gives good advice to teens" and "is extremely complementary" to attorneys for "their thoroughness and hard work for their clients."

Monitors also found that Judge Hall consistently showed concern for the litigants in his courtroom. As one monitor noted, "He shows consistent concern for litigants often leaning forward to listen attentively and using a kind tone to ask questions." During one case, a monitor observed that Judge Hall appeared "particularly concerned [about] a mother [who was] giving up her parental rights. He "explained her rights and the procedures very carefully" and called a "recess for her to review surrender instruments." Another observer noted, "He was concerned about everyone being relaxed and not nervous in the courtroom." Yet another monitor praised Judge Hall because he "showed concern for schedules for all involved in arraiging dates for later proceeding."

Monitors also found that Judge Hall "appeared to be quite patient." It was noted by one monitor that "he waited while counsel discussed options with their parties or

clients.” One monitor observed, “occasionally, he loses his temper but keeps control [and] regains composure.”

Monitors commented on Judge Hall's injections of “occasional humor” during the proceedings. They found that Judge Hall “made a point to make jokes and relate to the petitioner and the respondent on a more personal level” and that, at times, “he relieves tension with humor particularly with attorneys and often at his own expense.” One monitor he has a “crisp, dry style-humor” which seemed to the monitor as “a little flip but not offensive.” However, another monitor felt that some of Judge Hall's “remarks meant as humorous [were] not always understood as such by participants.”

One monitor noted that Judge Hall maintained a “good balance between formality and informality.” Another monitor listed several examples of “formal” behavior, noting that Judge Hall “uses Mr. and Mrs. rather than first names” and “announces names for the record.”

Professionalism

Monitors repeatedly described Judge Hall as “professional” because they found that he was thorough, “well-prepared,” and “efficient.”

Monitors found that Judge Hall was thorough when explaining rulings or procedures to litigants. They noted that his “explanations were clear” and that he was “careful to [en]sure that respondents are aware of their right to counsel and that they understood what matters were before the court, and which [were] not, and what the previous orders the court ” had made. In general, as one monitor put it, he “makes sure that everyone knows what is going on.”

As one monitor noted Judge Hall “was usually well prepared – opening one case with a set of questions for attorneys which he invited them to address, in order, the matters he felt were most crucial.”

Several monitors reported that Judge Hall was efficient in his use of court time. one monitor remarked, “Judge Hall uses court time efficiently – intervening to ask questions about matters he wants considered and limiting discussion of things that he finds irrelevant.” Another monitor observed, “He is efficient, mindful of moving cases forward but never rushing anyone.” For example, “in one case, where [the] attorneys appeared exasperated, as they saw an agreement two hours in the making seem to fall apart, Judge Hall calmed everyone, including a distraught litigant, by calmly telling the parties to take their time and promising to interrupt his upcoming trial to hear the[ir] case when they were ready.”

Command of Courtroom

Monitors reported that Judge Hall maintained control of the courtroom. One monitor observed, “Everyone present is very respectful of the judge and knows that he is in control.” While one monitor felt that Judge Hall “warns attorneys in a friendly manner if he feels that they are overstepping in any way,” and yet another noted that “he can strike a tough note in order to maintain order.” This monitor noted that on several occasions

Judge Hall held "up his hand and saying 'not yet' to quiet litigants who started to speak out of turn."

Audibility

Monitors agreed that Judge Hall "spoke clearly and loudly enough for everyone to hear." In fact, one monitor referred to him as "easily audible." Another praised, "Judge Hall spoke clearly and was perfectly audible even from the back of the courtroom."

V. THE HEARING EXAMINER

Following are the monitors' evaluations of the sole hearing examiner in the Saratoga County Family Court during the project. As in their reviews of the judges, monitors focused on such qualities as demeanor, professionalism, and ability to maintain control of the proceedings.

Arthur Spellman, Esq.

Mr. Spellman is a graduate of Lehigh University and Albany Law School. Prior to his appointment as a hearing examiner in 1985, he served in the United States Air Force and later as an attorney in private practice. Mr. Spellman has retired since this monitoring project.

General Observations

Twelve monitors made a total of sixteen observations of proceedings in Mr. Spellman's courtroom.

Monitors described Mr. Spellman as "businesslike," and "organized" in running his courtroom. They reported that he "audible," "maintained control" of the courtroom and "efficient" in the management of his caseload.

Demeanor

Monitors described Mr. Spellman as having a "fairly stern" and "impersonal" demeanor. One monitor observed, "He did not greet those who appeared before him but simply started by reading what the case entailed." Another monitor made a similar observation, noting that "He sp[oke] quickly never looking at people" and "seems cold and impersonal during sessions." Nonetheless, this monitor found that Mr. Spellman was "pleasant when talking with staff." Another monitor also noted his "easy communication with staff" and found that Mr. Spellman and his staff "operated as a cohesive team."

Monitors felt that Mr. Spellman did make effort to be "courteous" and provide the litigants with useful information. One observer reported, "Mr. Spellman is courteous - apologizing for any delays, addressing litigants as sir or madam and wishing them Good luck to you' as cases concluded." Another monitor, who noted Mr. Spellman's practice of wishing "both parties 'good luck' when they left the courtroom," felt that by engaging in this practice that Mr. Spellman "showed some compassion towards" the parties. However, another monitor commented, "He always ends by saying "good luck" to people but he doesn't look at them." One monitor praised him for suggesting to parents who indicated that they were unable to afford health insurance for their children that they enroll in New York State's Child Health Plus Plan.

Some monitors felt that Mr. Spellman was "impatient" and "cut people off mid-sentence" during the proceedings. One monitor observed, "He lost his patience several times." In one case, the monitor observed, "A woman did not understand why he couldn't

make a decision on her case, instead of explaining the proceeding in simple[r] terms, he just kept getting frustrated and raising his voice.”

However, another felt that Mr. Spellman was “understanding and patient up to a point but quickly cut people off if they become argumentative or they bring up irrelevant matters.” For example, the monitor reported, “After trying twice to explain the law to a man who had some mistaken ideas about his case, Mr. Spellman finally announced “This proceeding is over.” At other times, he took time to help correct errors in petitions, recommend [that] parties try to resolve differences, and gave information about mediation services.” Another monitor agreed, noting “he spent time and energy trying to keep the petitioners on track and to keep them from interrupting each other.”

Professionalism

Monitors generally described Mr. Spellman as “professional.” They found that he was “attentive” to details and “efficient.” Monitors found that “Mr. Spellman is all about business. He got people in and out very quickly” but “not hurried.” As one monitor put it, he was “well organized and efficient in running his court.”

In general, monitors found that Mr. Spellman’s “explanations were clear and detailed” and that “he [was] careful to explain procedures” to litigants such as “the application of the support formula, the right to counsel and trial, and what information litigants should be prepared to provide.” One monitor agreed that Mr. Spellman provided “very complete explanation” but felt that these explanations were “spoken [too] quickly” and “often using language perhaps not easily understood by youths.” Another monitor felt that “the hearing examiner didn’t do a lot of explaining but he asked all who appeared whether they understood the procedures.”

It appeared to one monitor that Mr. Spellman “was chewing gum” during the proceedings” and the monitor felt that this was “not so professional.”

Control of Courtroom

Monitors reported that Mr. Spellman maintained “absolute control of the courtroom.” One monitor remarked, Mr. Spellman “always maintains control” by “giving firm directives or [by] asking pointed questions to keep discussion to the relevant facts of the case.”

Audibility

Monitors found that Mr. Spellman had a “clear voice” and was “very audible.” However, several monitors felt that he sometimes spoke too “quickly.” One of these monitors observed, “Mr. Spellman was very audible except he spoke way too quickly. I often didn’t know what he was saying because he spoke [so] fast.”

VI. ATTORNEYS

During the course of the project, monitors observed a variety of attorneys at work in Family Court, including law guardians, court-appointed attorneys, deputy county attorneys, assistant district attorneys, attorneys from local government agencies and attorneys in private practice.

Overall, attorneys received praise for their efforts to provide suitable representation under extremely difficult circumstances. Monitors generally found that the attorneys that they observed were “well prepared,” “professional,” and “highly competent.” In regards to their demeanor, monitors observed that attorneys generally were “courteous” to their clients and the judges and “very respectful” of the court in general. Several monitors also noted that attorneys from various agencies and office appeared willing to cooperate in order to resolve difficult issues. One monitor observed, “All the attorneys (ADA and the law guardian and probation) seem to be working in the best interest of the kids.” As one monitor put it, the attorneys generally “did a good job.”

Law Guardians

Under Section 241 of the New York State Family Court Act states that “minors who are the subject of family court proceedings originating in the family court should be represented by counsel of their choosing or by law guardians.” By safeguarding the legal rights of children, law guardians play an essential role in Family Court proceedings.

Overall, monitors were impressed with the performance of the law guardians who appeared in the Saratoga County Family Court. They reported that the law guardians generally appeared “emphatic,” “well-prepared,” and “vigorous[ly]” advocated for their clients.

However, there were instances where some of the monitors observed law guardians that had not met with the children that they were representing before the case came to court or “seemed not to have all the relevant information regarding the respondent.”

Monitors pointed out several law guardians for their exceptional performance in the family court. One monitor noted that law guardians “Mr. [Paul] Maher and Ms. [Karen] Judd took extra time to talk with their clients and that Ms. Judd and Ms. Redmond made strong presentations.” Another observer felt that Marine Onderdonk “stood out” because she appeared “very concerned about her clients' well-being and despite appearing to be just a little nervous made a passionate plea for her recommendations.” Another monitor noted that, in one case, law guardian “Van Swisohn was very persuasive on the behalf of the kid [and] had obviously been in touch with the school and the [child's] grandmother.” Law guardian Patricia Slater also received praise from a monitor for being “well versed” on her cases.

John LaBoda particularly impressed the monitors. One monitor who observed Mr. LaBoda was involved in multiple cases described him as “exceptionally well prepared” and “knowledgeable.” This monitor approvingly noted that he even “volunteered to follow up on “vacation time” on a different custody case which was no longer his assignment.” Another monitor praised, “Mr. LaBoda was well prepared and well organized for trial and was vigorous and thorough in his performance taking time to consult with his clients and [their] parents.”

Other Counsel

Monitors had the opportunity to observe many other attorneys in the family court in a wide array of cases including attorneys from the Legal Aid Society, Saratoga County Public Defender's Office, and other assigned counsel who represented indigent litigants. Also, attorneys from the Saratoga County Department of Social Services, who represented the County in a variety of cases, and deputy county attorneys who represented petitioners in child support and paternity cases, were observed. In addition, privately retained attorneys were observed in almost all matrimonial cases and in many other proceedings as well.

As was the case with the law guardians, monitors generally found that other attorneys observed were "well-prepared," "courteous," and "professional." For example, one monitor commented, "Ms. Brown of Legal Aid provided “a through and energetic presentation of his clients position.” Another noted, Paul Martineau of the Public defender's Office “seemed to have extraordinary compassion and support for his clients and was aggressive in their defense.” Frank Dorsey of DSS was described as an "active" participant in many cases and commended for his level of preparedness.

Some privately retained attorneys also received praise from the monitors. One monitor commented that privately retained attorney Kevin Tollison "was really good [at] explaining everything to his client when she did not understand. He was audible and spoke very clearly." In another case, a monitor praised a privately retained attorney named Mr. Chertock who “seemed particularly well-prepared and articulate in his questions and arguments.”

The monitors did report some instances in which assigned counsel or an attorney from the Public defender's Office “had not spoken to his client.” In matrimonial cases, monitors found that some of the attorneys “seemed confrontational.”

Counsel in Support and Collection Cases

Monitors had fewer opportunities to observe attorneys in the support and uncontested paternity matters heard by hearing examiner Arthur Spellman because many litigants appeared without legal representation. Nevertheless, monitors did praise several of the attorneys, many of whom were privately retained, that appeared in this part. One monitor noted that one attorney "presented [a] non-support cases forcefully." Another attorney was described as "really good [at] explaining everything to her client when she did not understand." Yet another attorney was praised for being "very well prepared" and "articulate."

On another note, one monitor noted that in support cases "when only one spouse is represented [by counsel], the other spouse seemed intimidated." Yet another monitor noted that "few people arrive [in the hearing examiner's courtroom] with attorneys [but] when they do, you hear larger weekly orders of support but they still don't seem to be settled faster."

VII. NON-JUDICIAL COURT PERSONNEL

Non-judicial court personnel have an enormous impact on the public's perception of the Family Court, as well as on the quality of justice that is dispensed. Litigants spend much time outside the courtroom, dealing with court clerks, court officers, and other personnel.

In most courtrooms, court clerks, court officers, and sometimes a court reporter may be present. Occasionally a foreign language or American Sign Language interpreter is also available. Litigants often encounter these people outside the courtroom environment, during intake, while waiting for cases to be called, or while arranging for support or other services.

Generally, monitors found court personnel to be “professional,” “pleasant,” and “helpful.”

Court Clerks

Family Court clerks are an integral part of the court's operations. In the Family Court, the Chief Clerk and Deputy Chief Clerk handle a wide variety of functions, from petition intake to maintenance of court records, and are responsible for the daily operational activities of the court. The clerks are assisted by a variety of administrative and support staff, who process much of the paperwork. Some of the clerks staff the petition intake desks and assist litigants with their preparation. A petition is a written document that forms the basis for a Family Court proceeding, and it is essential that they be prepared quickly and accurately.

Monitors praised the clerks that they observed in the Saratoga Family Court. One clerk was described as “quietly efficient” by a monitor. Another monitor praised, “Judge Abramson’s clerk is alert, attentive and active in assisting the judge. He thanked her for her help on a number of occasions today.” Another monitor who had the opportunity to observe that the petition clerk’s window only had “a short line” and “the clerk seemed courteous and pleasant.”

Court Officers

Uniformed court officers provide security in the courtrooms and waiting areas, and may assist with clerical duties. It is a court officer's responsibility to keep track of the parties who have appeared for a hearing, and to gather participants when the case is called.

Monitors generally applauded the officers of the Saratoga County Family Court, describing them as “helpful” and “polite.” Some offered specific praise such as the court officer “was very polite to a petitioner who approached with a question” and referred her to support collection office” or the court “officer at the entrance was especially polite today apologizing for the delay and thanking me for my patience.” On a similar note, one monitor reported, “The court attendant stationed at the desk [in the waiting area] was pleasant and efficient, called cases clearly and directed people politely.” One monitor, however, observed a court officer appeared to be asleep “during the last case” of the day.

One observer praised the level of security present in the Family Court. The monitor reported, "Security appears to be very good. They always check my things even though they recognize me."

Court Reporters

Court reporters are responsible for producing official transcripts of court proceedings. For many cases, court reporters are not used in the Saratoga County Family instead the courtrooms are equipped with microphones to record proceedings.

Taping of court proceedings has been permitted in New York State since 1992, when it was introduced as a two-year experiment in the Court of Claims and the Surrogate's Court. The experiment has since been extended and expanded to other courts, including the Family Court. Under the current statute, certain Family Court proceedings cannot be taped; court reporters are required for juvenile delinquency, PINS, and family offense cases. In addition, as monitor noted, there was a court reporter present during the Supreme Court proceedings such as matrimonial cases.

Court Interpreters

Foreign-language and American Sign Language interpreters were rarely needed to translate court proceedings in the Saratoga County Family Court. However, the monitors noted that when needed interpreters were available for litigants who do not speak English or were hearing-impaired.

VIII. SOCIAL SERVICE AND SUPPORT AGENCIES

To help troubled families resolve their problems, the Family Court relies on numerous governmental and non-governmental agencies. During the course of this project, monitors observed representatives from some of these agencies at work in the Family Court, acting as advocates for the parties involved and providing progress reports on children and others who have been placed under their supervision.

The primary county agencies represented in the Saratoga County Family Court are the Department of Social Services (DSS), which includes a Support Collection Unit (SCU), and the Department of Probation. Additionally, monitors occasionally observed representatives of the local school district and shelter and detention facilities.

Department of Social Services

DSS representatives appear in court in a variety of capacities. DSS is responsible for child protective services: It investigates allegations of abuse or neglect, and if it finds intervention necessary, it petitions the Family Court on the child's behalf. DSS also assists the court in cases involving adoption or foster care placement, and its Support Collection Unit aids persons seeking determinations of support and helps to collect support payments.

Monitors generally agreed that most DSS representatives were “professional and courteous.” On several occasions, however, monitors were critical of the Department of Social Services, particularly the Support Collection Unit, for a variety of deficiencies.

Monitors praised the individual DSS representatives. One monitor praised, “Ms. Patty Design [Support Collection Unit] seemed especially well prepared and well organized.” Another approvingly noted, “Ms. Kwislowski [Social Services] expressed energetic concern for the department’s clients.”

Monitors noted that although the vast majority of the DSS representatives they observed appeared to be working extremely hard to do their jobs, poor record keeping and the failure of other representatives to properly prepare for the case hindered them. For instance, Joan Connors, a representative from the Support Collection Unit, who was described by one monitor as “polite” and “professional” “was unable to give [Mr. Spellman] a satisfactory answer as to why the petitioner had been misinformed by another case worker.” Another monitor reported that another representative from the Support Collection Unit “did not have records [dating] far enough back” in court “but [after a delay was] able to get the necessary figures.” In yet another case, a monitor observed, “The support collection [representative] in court to today was courteous and polite but seemed a bit unprepared in court. In one case, in which the Department of Social Services was the petitioner she waited until Mr. Spellman left the courtroom briefly then jumped up to speak to the respondent who she apparently hadn’t seen before and asked her a number of questions.”

Department of Probation

The Department of Probation assists the Family Court with evaluation of those involved in certain types of cases. The Probation Department also supervises those persons who have been sentenced to probation, and provides the court with reports on offenders' behavior, in order to assist the judge in determining the proper disposition of the case.

The monitors observed representatives from the Department of Probation less frequently than those from DSS. However, the Department of Probation representatives seemed better prepared than DSS in many cases. One monitor noted that Ty Stacey of the Probation Department “seemed prepared and on top of [the] paperwork.” This monitor found that Molly Dyer also from the Probation department was equally “prepared.” Another monitor observed, “Ms. Dwyer spoke encouragingly to a young PINS respondent after his appearance.” There were, however, instances when the probation officer seemed ill prepared as well. For instance, one monitor observed a “probation officer [who] apologized for not having submitted a report but he was able to report orally to the judge’s satisfaction.”

IX. OPERATIONS

Delays and Adjournments

Monitors found that the hearing of support and paternity cases was often delayed by "litigants not being present." Monitors repeatedly observed that, in support cases, court personnel "couldn't locate petitioner" or "one side of the case did not appear." For example, one monitor observed, "One trial began 15 minutes late to wait for the respondent to show up. He didn't. This normal procedure." Another monitor made a similar observation: "Several of the 9 o'clock cases were either no shows or transferred to one of the judges because there were warrants out for their arrests, this caused a long delay in cases." Sometimes, litigants were delayed because litigants "were conferencing to attempt to come to an agreement." Other times, it was the attorney who was late: "One of the attorneys was appearing in another courtroom which delayed conferencing for this case."

As one monitor put it, "Whenever possible, cases moved along quickly." One monitor observed, "There was a little downtime after 9 o'clock cases were finished and before the 10 o'clock cases were ready to go. Mr. Spellman spoke to the [clerk] about starting on another case" in which the litigants were already present. However, one monitor noted that during an "1/2 hour delay waiting for people to arrive" that the "hearing examiner and staff sat around making small talk."

Monitors had a similar experience in both Judge Abramson and Judge Hall's courtrooms. As one monitor noted, "waiting for participants" was a common comment in the Family Court. One monitor reported that when the "judge asked the clerk about the delayed [litigants]. [The clerk's] response that some still in conference, some were at jail." Another monitor recounted an occasion when "while waiting for the parties to appear Judge Abramson speculated they must be fighting about it, adding "Maybe I should go and annoy them." A little later he got up and went out, coming back...followed by the litigants." One case was delayed because "the court was waiting for the delivery of a psychological report." Monitors noted that the judges usually made "good use of time between cases" by working on their computers or answering questions.

Scheduling

Several monitors questioned the manner in which cases were scheduled. One monitor noted, "This was a Friday and only 4 cases on schedule - only 3 [cases] heard and [the session] ended at 9:55 AM." Another monitor remarked, "There were no delays but there was some waste of calendar time as close to a full day had been allowed for today's trial based on the attorneys estimate of the time that would be needed and it ended up taking only a few minutes more than an hour."

Audibility

Due to the smaller courtrooms and despite the fact that microphones were used for recording purposes only and not for amplification, audibility was less of a problem than in other courts. Monitors reported that they were able to hear in "most of the time." They did,

however, sometimes have difficulty hearing Judge Abramson who “spoke in a quiet voice” or a soft-spoken attorney or witness. Monitors also found that audibility was hindered by “construction noise from outside” and “voices from the hall” outside the courtrooms.

IX. FACILITIES

Since the monitors' 1994 evaluation of the Saratoga County Family Court, its facilities have been upgraded. The upgrade took place as part of a 1.45 million plan to renovate and shift agencies within the five-building county office complex where the court is located. The complex, located in Ballston Spa, consists of five brick buildings, which surround a center courtyard.

The most significant change resulting from the renovations is that the hearing examiner's courtroom and office are now located in the same building as the two family court judges' courtroom and chambers. When the court was monitored in 1994, the hearing examiner's courtroom was located across the street on the second floor of a two-story building that was formerly a private residence and in order to reach the courtroom, one had to climb a narrow and steep staircase. However, despite the renovations, monitors felt that the family court facilities, particularly the public areas, could be improved.

As a general matter, monitors found that "overall, the facility seems clean and well maintained." However, monitors described it as "cramped." As one monitor noted, "There was a line at the entrance to the court - it wasn't long but it was inconvenient because there is little room for a line at the entryway. People were . . . holding the doors open as they waited for officers to check [their] bags."

Monitors were particularly concerned about the inadequate size and design of the waiting area. On several occasions, monitors found that the waiting area was "crowded" or "all chairs were filled." One monitor reported, there is "not nearly enough seating in the waiting area." The monitor felt that the waiting areas "could have used about 15 more seats." Another monitor suggested that the building "needs . . . more small waiting areas so that parties who are fighting can sit apart." Another observer felt that "It is unfortunate that the waiting area is both windowless and [has a] low ceiling." The monitor felt that this "makes for a slightly oppressive atmosphere." Another monitor noted a simply rectified "inconvenience - the waiting areas does not have a clock."

Of equal concern, to the monitors, was the lack of conferencing space for privileged discussion between attorneys and their clients. Monitors repeatedly reported that that additional space was needed for attorneys to privately conference with their clients. One monitor "there is certainly a problem with the lack of conferencing space." The monitor noticed, "There was a number of people conferencing in the hallway leading to [Mr. Spellman's] courtroom." This monitor also noted, "One attorney told [the monitor] that if she had had a private place to conference with her client they might have been able to settle the case."

Several monitors suggested a "childcare center should be added." They reported that the presence of children was a distraction for the litigants and others in the court. This led one monitor to conclude, "A child care facility would be valuable. Today a child was crying loudly in the waiting area."

Some monitors praised the condition in one public area- the public restrooms. In fact one monitor gave the restrooms a grade of "A+." However, one monitor did suggest, "the ladies room could use a place for people to set [their personal items] while using the facilities. The one shelf available is narrow and right by the door."

Signage

Overall, monitors reported that signage at the Saratoga Family Court was inadequate. As one monitor noted, the "exterior could use more signage. [It was] not clear where to go when you get out of your car" Another monitor agreed that "the outdoor [area leading to the building] needs attention" including larger signs and seating near the door." One monitor felt that the "whole facility could use better signage, both exterior and interior." This monitor added, "A sign [inside] telling people where to go first would be helpful." Another observed recounted an incident in which "A women in a wheelchair appearing in a case today was late as a result of having difficulty getting into the building. She commented that they needed signs directing people to the accessible entrances."

Courtrooms

In general, monitors found that the courtrooms were "clean," "well-lit" with "all the furniture in excellent condition."

Monitors found that the size of the courtrooms varied but were all "well-maintained." Monitors describe Judge Abramson's courtroom as "small." One monitor reported, "The [Judge Abramson's] courtroom was clean and bright. However, it was a bit small at times. For several cases, there were not enough chairs for everyone in the room." Other monitors agreed this assessment. One noted that the courtroom "needed one more seat." Another monitor felt that the "seating [was] adequate for small groups attending" but that the "chairs and aisle [were too] close together making it diffi[cult] to get in and out."

However, monitors found that Judge Hall's courtroom was "good sized and well lit with two large windows," and there were "an adequate number of comfortable chairs." One monitor commented, "this courtroom should have better equipment for proceedings involving teleconferencing to ensure that the person on the phone can both hear the proceedings clearly and [can] be heard."

Monitors noticed that Mr. Spellman's courtroom was relatively "large." One monitor felt that it was "spacious" in comparison to Judge Abramson's courtroom. However, on certain days, "there were not nearly enough seats available." Several monitors found that on occasion Mr. Spellman's courtroom was "very noisy." One monitor found that "the noise from the conference room and hallway was very disruptive" and suggested that "another doorway could be built to block out some of the noise."

X. RECOMMENDATIONS

1. *Saratoga County should address the court's growing space needs.*

Despite recent renovations, the family court facility still lacked sufficient space to efficiently conduct its business. Monitors reported that, while the courtrooms and restrooms appeared to be clean and well maintained, additional space was needed in the facility. The small waiting room, which lacked a simple clock, become so crowded that litigants and their families have no place to sit, and there is no space for children to play while their parents tended to business. Conferencing space was woefully inadequate: Attorneys and their clients must conduct discussions in public waiting areas, jeopardizing attorney/client privilege, and creating noise and chaos in the courthouse. A law guardian, who was unable to return her offices during a short break in the proceedings, was almost forced to work in her car. The monitors urge that the County reallocate space in the county court complex in order to meet the needs of the Family Court's litigants and staff.

2. *The County should establish a child care center within easy reach of the court.*

Currently, there are no child care facilities in or near the Saratoga County Family Court. Monitors repeatedly observed small children in the courtroom or waiting area. Children are a distraction their parents or guardians from their business with court; they disrupt proceedings; and most important, they may be traumatized by the nature of the proceedings themselves and the hostility among family members. In-court child care centers currently exist in over 20 courts across New York State, where trained staff keep children fed, entertained, and under constant supervision. Construction of a child care center in Saratoga County Family Court or within the county office complex would permit parents and others to conduct court business efficiently and without distractions, while their children are safe and supervised.

3. *The County should improve exterior and interior signage at the Saratoga County Family Court.*

Monitors took much notice of the lack of signage in and outside of the court's facilities. Monitors felt that lack of signage could be confusing to litigants coming to the court, particularly for the first time, and even delay their arrival to courtroom. Monitors urge the County to improve the signage in the complex to indicate where and how to reach the Family Court and provide additional informational signs within the Family Court.

4. *The agencies that serve the Family Court should improve staffing, resources, and productivity.*

The monitors witnessed frequent delays and adjournments resulting from a lack of preparation by the agencies, particularly the Department of Social Services' Support Collection Unit, that serve the Family Court. Judicial personnel

depend upon timely reports from a variety of agencies to make informed rulings that protect the parties' interests; such information is especially important in safeguarding the best interests of children. Repeatedly, monitors observed proceedings that were delayed because agency did not have necessary information. Monitors urge that the County to provide adequate resources to the agencies that serve the Family Court, and that the agencies institute and enforce quality-control measures to ensure that their clients' interests are protected.

5. *The Family Court should reduce the number of non-appearances in court.*

Delays and adjournments in the Saratoga County Family Court often resulted from litigants' failure to appear. Monitors believe that there is an urgent need to reduce the number of non-appearances in the Family Court in order to adjudicate cases in a more timely and efficient manner. Monitors, and in some cases the court personnel, were often unsure why litigants did not appear. Monitors urge the Office of Court Administration to conduct a study of the causes (whether it be the failure of respondents to be properly served or transport issues in the case of detained litigants) of the vast number of appearances in the Family Court and possible solutions such as the creation and enforcement of sanctions for non-appearances.

6. *The New York State Legislature should pass Chief Judge Kaye's court restructuring plan.*

Since 1997, New York State Chief Judge Judith S. Kaye has a proposed constitutional amendment to restructure the state's court system. The amendment would replace the current nine-tier maze of courts, which often have overlapping jurisdiction, with a streamlined, less hierarchical structure. The amendment would raise the status of the Family Court by merging it into Supreme Court. By raising the status of family matters, the proposal would ensure that such cases would receive the financial resources and other advantages afforded the Supreme Court.

To the monitors, this need is particularly urgent. The Fourth Judicial District, which includes Saratoga County, was the inaugural district for the Office of Court Administration's pilot project creating unified family and matrimonial divisions. Under this program, the County's Family Court judges have been designated Acting Supreme Court Justices and have been assigned to handle matrimonial cases, which permits them to integrate divorce proceedings with custody, visitation, child support, and other ancillary issues that commonly arise in such cases. As a result, Saratoga County families undergoing divorce no longer have to divide their time, energy, and resources between multiple courts and multiple judges. Observing firsthand the benefits of unified family and matrimonial divisions, a limited form of court restructuring, the monitors recognized the benefit to the state's families from a systemic overhaul of the New York's State court system.

Like all proposed amendments to the State Constitution, the Kaye plan must be passed by two consecutive State Legislatures and signed by the Governor; it then must be ratified by the voters in a statewide referendum. Because the Family Court serves families and children in crisis, and works to resolve many of New York's most

pressing societal problems, the Senate and Assembly should reintroduce the Kaye plan and give it first passage.

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