



Report on the Suffolk County Family Court

The Suffolk County Court Monitors

2004

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 Suffolk County Family Court. We hope their recommendations will help to obtain improvements for the residents of Suffolk 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 been 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 court system 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 system 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' reports:

- 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.
- prompted a renewed commitment to courthouse upkeep by local governments.

Monitors' findings were also influential in the State Office of Court Administration's

decision 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 Suffolk County Court Monitors

The Suffolk County Court Monitors are a group of citizen volunteers who observed proceedings in their county's courts to make the courts more efficient and responsive for litigants and others who use the court. In 2003, the Suffolk County Court Monitors chose to evaluate the conditions in the 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). Improvements and reforms will be instituted only when the public is made aware of the actual conditions in the Family Court, which is why the Suffolk County Court Monitors chose to undertake this project.

In April 2003, an orientation for this project was held at the Northport Public Library. In addition to distribution of court monitoring handbooks and monitoring forms and the provision of general instructions to the monitors on court procedure, the orientation included a presentation by Christine Olsen, Project Director of the Suffolk County Family Court's Family Treatment Court spoke to the monitors about the operations of the groundbreaking court. The orientation was followed several weeks later by a meeting at the Family Court with Supervising Judge David Freundlich and Chief Clerk Robert O'Mara and other court personnel who provided the volunteers with an overview of how the court functions. The orientation ended with a tour of the court facility. The monitors began their visits immediately following the orientation. An additional meeting held at the project's conclusion during law guardian Howard Gardos of the Suffolk County Legal Aid Society spoke with the monitors regarding the role of the law guardian in Family Court.

Summarized in the following report are the monitors' findings regarding all aspects of the Suffolk 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 often is 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 four 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. In New York City, the Mayor makes interim appointments when necessary. Family Court judges may serve until a mandatory retirement age of 70.

Salaries: The standard salary for Family Court judges in Suffolk County is \$136,700, which is identical to the salary scale of Family Court judges in New York City, Nassau County, and Westchester County. However, their counterparts in other parts of the state earn \$119,800.

Support Magistrates

The position of hearing examiner was established in the Family Court 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. In August 2003, the Chief Administrative Judge amended the Uniform Rules of the Family Court to create the title of support magistrates in the place of the title of hearing examiner.

Support magistrates 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 magistrate's decision may object, and a Family Court judge resolves the case. Support magistrates are not authorized to issue warrants or to hold individuals in contempt of court; they must forward requests for such actions to a judge.

Support magistrates, in many cases, have greatly eased the burden on judges by hearing support cases and uncontested paternity cases, which can be time-consuming and have placed growing demands on the court's time. Support magistrates often advance to judicial office.

Eligibility: The Uniform Family Court Rules of the State of New York mandate that Support magistrates "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: 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, candidates are appointed by the Chief Administrative Judge of the State of New York.

Salaries and Tenure: In New York State, Support magistrates earn \$78,103 annually. They serve three-year terms, with reappointment for a subsequent five-year term possible at the discretion of the Chief Administrative Judge.

The Suffolk County Family Court had two part-time and six full-time magistrates during the project.

Appeals Process

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

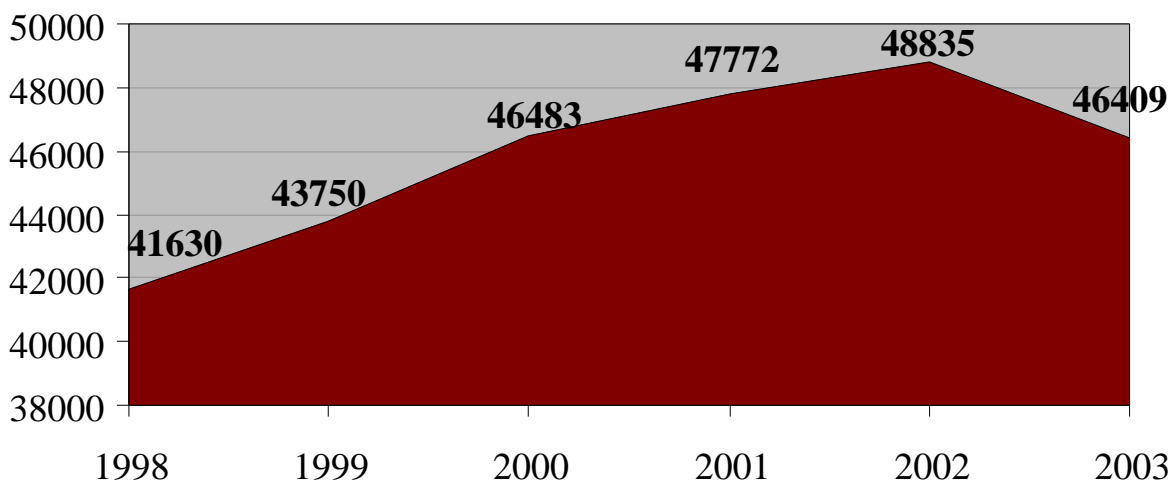
III. THE SUFFOLK COUNTY FAMILY COURT

The Population Served: Suffolk County

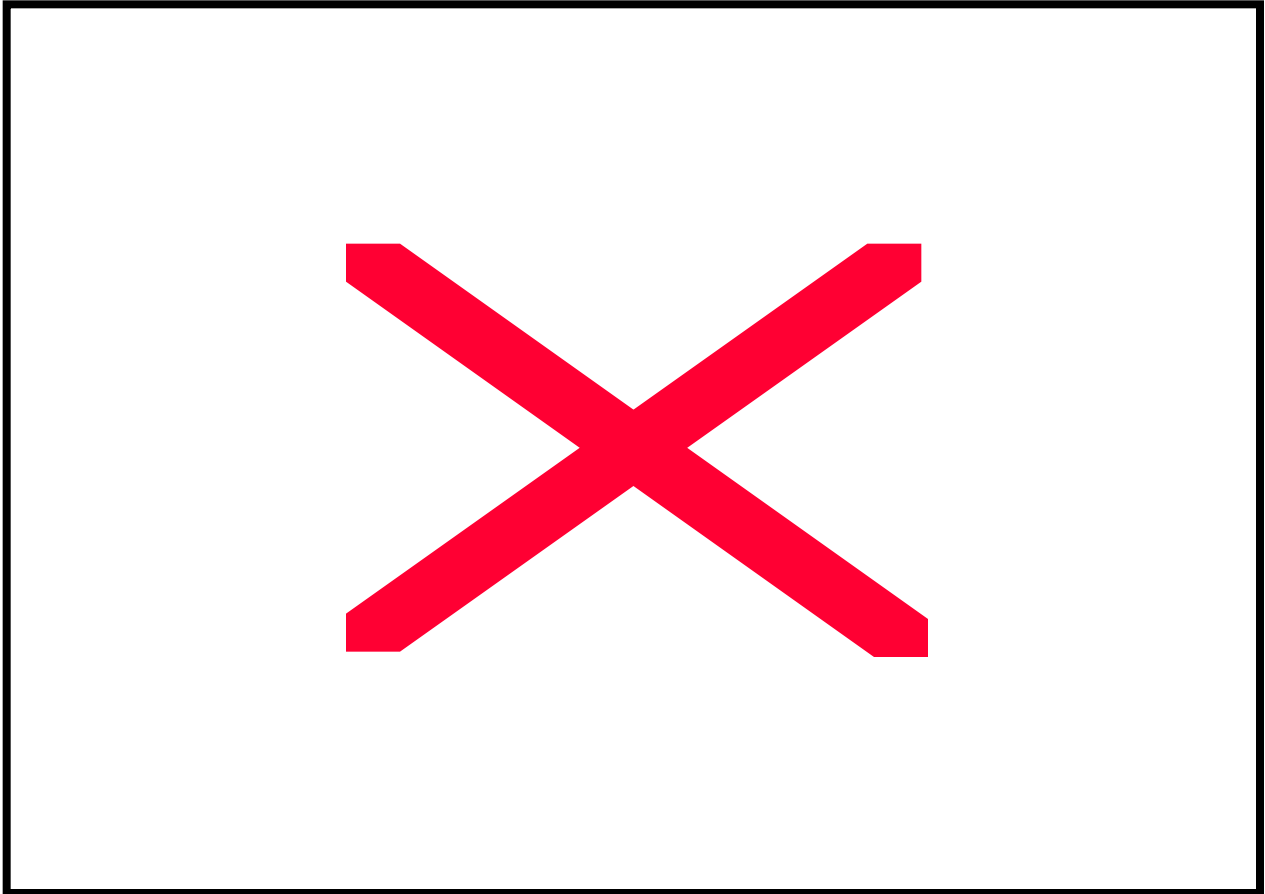
Suffolk County is located on the eastern end of Long Island, the 118-mile long island extending northeast from New York City into the Atlantic Ocean and Long Island Sound. It has a geographic area of 912 square miles. Hauppauge serves as the county seat. As of the 2000 US census, the county's population was 1,419,369 which represents a 7.4 percent increase from 1990 census figure of 1,321,768.

Caseload

Total Filings in the Suffolk County Family Court, 1998-2003



The total filings in the Suffolk County Family Court have consistently increased in the past few years. In 1998, there were 41,630 total filings. Total filings have generally increased each year since 1998. However, the 2003 filings totaled 46,409 which represented a slight decline (approximately 5 %) from the 2002 total of 48,835.



For the past five years, the overwhelming majority of the cases filed in the Suffolk County Family Court have been neglect and abuse or support cases. For instance, in 1998, there were 10,608 total neglect and abuse filings which constituted approximately 25% of the total filings for that year. In that same year, there were 8,557 support petitions filed. In recent years, neglect and abuse cases have somewhat declined while support filings have continued to rise. In 2003, neglect and abuse filings dropped to a five year low of 9,298 filings while support filings (both IVD and non-IVD) reached an all-time high of 13,046.

Another notable trend was the increase in Persons in Need of Supervision (PINS) filings during the period. In 1998, there were 914 PINS filings. This number has almost doubled by 2003 to 1628 filings.

In 2003, the year of the monitoring project, the majority of cases filed were support (13,046), followed by neglect and abuse (9,298), custody (9,173), paternity (4,706), family offense (4,074), juvenile delinquency (1,859), PINS (1,628), USDL (1281), and custody (682) cases. Designated felony (183), foster care review (115) and foster care placement (59) constituted a relatively small portion of the Suffolk Family Court's caseload in 2003.

IV. JUDGES

Following are the monitors' evaluations of each judge in the Suffolk 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 supervising judge is listed first, with the remaining judges listed alphabetically by last name.

Hon. David Freundlich

Hon. David Freundlich is a graduate of the University of Buffalo and Toledo Law School. From 1971 to 1974, he was an assistant district attorney for Kings County, and from 1974 to 1988, served as an assistant district attorney for Suffolk County. In 1988, he was elected to the Suffolk County Family Court on the Republican and Conservative tickets, and re-elected in 1998. Judge Freundlich is the Supervising Judge of the Suffolk County Family Court.

Judge Freundlich was observed by fifteen monitors on thirteen different days.

Demeanor

Judge Freundlich was described as being "compassionate," "courteous," "attentive," and "patient" and "polite" with litigants and others in the courtroom. One monitor noted, "He was warm and friendly to children who were [making progress in] programs and stern with those in trouble." Another monitor observed an occasion when as an adolescent was being led away in handcuffs and Judge Freundlich invited the mother to "give him a hug" which she promptly did. In another case, "He asked that a chair be set up for a mother who apparently had fainted in a previous appearance." One monitor noted, "Judge Freundlich appears to have a friendly relationship with the personnel in the courtroom."

One monitor who observed Judge Freundlich presiding over a Youth Drug Court was "most impressed" by his familiarity with the cases, but mostly by how "warmly and enthusiastically" he congratulated a boy who had completed a drug rehabilitation program.

Monitors also found him firm when necessary. One observer noted, "He is firm and rather unbending in his insistence that the people that come before him take him seriously." Another monitor observed a PINS (Persons in need of supervision) case in which the probation officer had fail to note in the probation report that the child had been suspended 33 times from school during the school year. The monitor noted, the "judge was obviously upset, but kept his cool" but added: "'Starting next week, I'm going to have every probation officer come in and tell the court how they perform their duties.'" During another case, Judge Freundlich rightly "chastised" an attorney, whom the monitor felt exhibited a "lack of professionalism" and who "interrupted the judge more than once."

Professionalism

Monitors described Judge Freundlich as "professional" as well as "thorough." They found that he "gave clear explanations" and "listened attentively to all the participants in the courtroom." One monitor noted, " He carried a very heavy caseload but is attentive and unhurried in handling each one."

Several monitors noted that Judge Freundlich seemed knowledgeable about the cases. For example, one monitor observed, Judge Freundlich "seemed familiar with most of the twenty children who appeared before him."

Command of the Courtroom

Monitors reported that the courtroom was under "good control" and "orderly." One monitor observed, "It was absolutely quiet when he entered and during the session." One monitor attributed his maintenance of control to the fact that Judge Freundlich "commanded the respect" of others in the courtroom.

Audibility

Monitors reported that hearing Judge Freundlich did not appear to be a problem while some lawyers and litigants were difficult to understand.

Hon. Gregory Jay Blass

Hon. Gregory Blass is a graduate of Fordham University and Fordham University Law School. From 1975 to 1995, he was an attorney in private practice. From 1980 to 1989, and from 1994 to 1995, he served in the Suffolk County Legislature. In 1995, he was elected to the Suffolk County Family Court.

Judge Blass, who sits in the Riverhead branch of the Family Court, was observed by three monitors on two different days.

Demeanor

The monitors described Judge Blass as "courteous," "concerned" and "extremely patient." They also noted that he "listened attentively" and "treated everyone with respect." One monitor was impressed when she heard Judge Blass say that he "has responsibility to the children" involved in these actions. One monitor stated that he was "passion[ate]" about protecting children and seemed to know "what was needed at this time in their lives."

Two monitors noted that he could also be "firm" when appropriate, citing an occasion when he told a mother with an alcohol recidivism problem that she had to choose between "booze" and her "kid" because "her 17 year old son was in agony because of her alcoholism." In another case involving unpaid child support payments, "He granted a man a 10-day extension, as

requested, but warned him that 'either you come with a check [to your next appearance] or you go [away] in handcuffs.'

Professionalism

Judge Blass was seen as "thoroughly" professional. All three monitors emphasized that he frequently explained, in some detail, the rationale behind his rulings on objections. For instance, in one case in which he denied a boy's request, who had violated the terms of his probation, to stay at home, Judge Blass explained to the boy that "he'd like to let him stay but that his home 'was not a stable home' and was a 'major contributing factor'" to his situation. One monitor concluded, Judge Blass "took the time to explain" his rulings to the parties and "that it was in their best interest...to comply with the court's orders."

Command of the Courtroom

The monitors stated that Judge Blass maintained "excellent" control of the courtroom at all times. As one monitor stated, he was "fully in command."

Audibility

Although all three monitors had difficulty hearing the proceedings, they found that Judge Blass was audible. One monitor noted, "He was the only one [in the courtroom] that I didn't have trouble hearing." On one occasion, Judge Blass instructed a caseworker to speak louder.

Hon. Peter Dounias

Hon. Peter Dounias is a graduate of Syracuse University and Brooklyn Law School. From 1965 to 1979, he held a variety of positions in the Town of Smithtown including councilman, town attorney, and special counsel to the Board of Zoning Appeals. From 1980 to 1989, he was a District Court Judge. In 1996, he was elected to the Suffolk County Family Court on the Republican and Conservative Party tickets.

Judge Dounias was observed by fourteen monitors on ten different days.

Demeanor

The monitors impressed by Judge Dounias' manner on the bench, describing him as "attentive," "serious" and "formal" but "kind to litigants." They felt he treated those in the courtroom with "respect."

Monitors also found Judge Dounias to be helpful and accommodating when dealing with litigants. One monitor observed, "To a woman who said [that] she had misplaced her temporary order of protection, he said she could wait: "We'll get you another copy." Another observer witnessed Judge Dounias telling "a woman petitioner waiting for Legal Aid attorney, [that] he

didn't want her to be without an attorney" because "I want to be sure that you understand [what's happening here.]"

Professionalism

Judge Dounias was described as "very professional" and "objective" by several of the monitors. They found that he explained "all rulings" to the litigants, sometimes offered them "different options," and "made certain that his rulings were clearly understood." One monitor was particularly impressed by the manner in which he issued orders of protection. The monitor observed, "Many individuals were not represented by an attorney" so "he asked if the individuals before him [if they] understood the procedures."

Monitors also noted that Judge Dounias encouraged the litigants to participate when appropriate. One monitor commented, "He was interested in hearing each party express himself."

One monitor noted that Judge Dounias appeared observant: "He was quick to notice [that] some things in papers were missing."

Several monitors mentioned that his cases were moved along "quickly" and "efficiently." One monitor observed, "If there was a time when the [judge] was waiting, the court officers [would] suggest [another] case." Another monitor noted, "The judge and his 'team' worked very well together. They had to coordinate a lot of different cases and participants and they seemed to do it very efficiently."

Monitors were particularly impressed by Judge Dounias' efficiency considering his caseload. One monitor noted, "The caseload for this judge" was "staggering." The monitor added, "I was exhausted watching how hard this judge worked."

Command of the Courtroom

Most monitors noted that Judge Dounias kept "excellent" control of the courtroom in a "low-key" manner. One monitor described the courtroom as "quiet." Another monitor commented, "His command of the courtroom showed lots of experience."

Audibility

Many of the monitors had difficulty hearing the proceedings at times. Judge Dounias was described as "soft-spoken."

Hon. Joan Genchi

Hon. Joan Genchi is a graduate of Long Island University's C.W. Post College and Hofstra University Law School. From 1980 to 1998, she was an attorney in private practice. In 1998, she received an interim appointment to the Suffolk County District Court, and was elected to the District Court on the Republican, Conservative, and Independence Party tickets. In 2003,

she was elected to the Suffolk County Family Court on the Democratic, Republican, Conservative, and Independence Party tickets.

Judge Genchi was observed by ten monitors on seven different days.

Demeanor

The monitors described Judge Genchi as having a "courteous" manner and noted that she "treated all participants with respect" and "listened carefully to litigants" but was "firm" particularly with attorneys.

One monitor commended Judge Genchi for maintaining her composure when dealing with a hostile attorney. The monitor felt that "the judge gave great leeway" to the respondents' attorney including "clearing the courtroom to enable [the attorney] to have a private discussion with her client."

On another occasion, however, one monitor felt that Judge Genchi "showed her annoyance" and was noticeably "upset when lawyer was not quite prepared."

Professionalism

Monitors praised Judge Genchi for "carefully" explaining her rulings. One monitor noted, "The judge made sure that everyone was 'on the same page' and provided clarifications to prevent confusion among all the parties." One monitor, however, described her explanations as "minimal."

Monitors commended Judge Genchi for being "thorough" including "obtaining [additional] information from litigants and attorneys."

One monitor reported that noted that she appeared to be "chewing gum" while hearing cases.

Command of the Courtroom

Most monitors considered Judge Genchi's control of her courtroom to be "good" to "excellent." One monitor observed, "It felt like the attorneys, court officers, etc. were in sync with each other and knew what the judge expected." Another observer felt that she had "complete control" of the courtroom with "the exception that [court personnel] entered and left the court[room] without closing the doors in a quiet manner."

Audibility

Monitors reported Judge Genchi was "soft spoken," but audible. However, several noted that many litigants and witnesses spoke too softly to be heard and that "sometimes noise from the hall made it difficult to hear."

Hon. Dudley L. Lehman

Hon. Dudley Lehman is a graduate of New York University and Brooklyn Law School. From 1965 to 1995, he was an attorney in private practice. In addition, from 1988 to 1995, he was a small claims arbitrator in the Suffolk County District Court, and from 1974 to 1988 and 1990 to 1995, special counsel to the Board of Zoning Appeals and Planning Board for the Town of Smithtown. In 1996, he was appointed to an interim position as a Suffolk County District Court judge. From 1997 to 1998, he served as the principal law clerk to the Hon. Charles F. Cacciabauda in the Suffolk County Court. In 1998, he received an interim appointment from Governor George E. Pataki to the Suffolk County Family Court, and was subsequently elected to the Family Court.

Judge Lehman was observed by seven monitors on seven different days.

Demeanor

Monitors described Judge Lehman as "patient" "courteous" judge who was "caring" yet "firm." One monitor described the atmosphere in Judge Lehman's courtroom as "very casual" yet professional. This monitor felt that the "judge work[ed] very well with attorneys and other personnel."

Several monitors pointed out that Judge Lehman could be "firm" when appropriate. In one case in which "the judge appeared upset at the battered appearance of a child", he decided to immediately remove all the children from the home despite the objections of the family's attorney who wanted to put on two additional witnesses.

Professionalism

Monitors felt that Judge Lehman was "thorough." One monitor noted that he took time to explain matters to litigants.

Monitors described proceedings in Judge Lehman's courtroom as efficient. One monitor stated, He wastes no time...there [was] a steady stream of progress" through the caseload." Another observer noted, He "expressed his frustration with all the delays" resulting from attorneys not appearing or appearing late.

Command of the Courtroom

The monitors all had positive comments about Judge Lehman's control of his courtroom. They noted sessions in his courtroom were "orderly" and "quiet." One monitor related, "A young person came into the courtroom chewing gum. The Judge had someone give her a piece of paper to wrap her gum before proceeding."

Audibility

Monitors had no difficulty hearing Judge Lehman. Several noted that others: lawyers, litigants, and witnesses spoke too softly to be heard clearly in Judge Lehman's courtroom.

Hon. Barbara Lynaugh

Hon. Barbara Lynaugh is a graduate of State University of New York at Old Westbury and Hofstra University School of Law. From 1976 to 1985, she was a registered nurse. From 1985 to 1993, she was a staff attorney in the Family Court Division of the Legal Aid Society of Suffolk County. From 1993 to 2000, she served as a hearing examiner in the Suffolk County Family Court. In 2000, she was elected to the bench of the Suffolk County Family Court.

Judge Lynaugh was observed by ten monitors on eleven different days.

Demeanor

Monitors described Judge Lynaugh as "courteous," "patient," and "respectful." One monitor felt that she "tried to accommodate the litigants." Another monitor observed that Judge Lynaugh "was very patient with one litigant who was quite upset."

Several monitors observed Judge Lynaugh's "concern" for litigants and children. On one occasion, when a young woman said she was "chilly," Judge Lynaugh "got her own sweater and gave it to her." She spoke "consolingly" to one boy who was very upset over his placement and tried to accommodate another boy who wanted to be assigned to a different school to participate in sports.

However, several monitors felt that she appeared "distant" or somewhat "removed from the proceedings" because "she had nothing to say to those appearing before her beyond the bare minimum" or "never asked any questions of any of the lawyers."

Professionalism

Monitors found Judge Lynaugh gave "clear" and "thorough" explanations. One monitor noted, she "explained the outcome thoroughly" to litigants.

Several monitors noted that Judge Lynaugh "moves cases along" and "handled cases quickly when no questions arose."

Command of the Courtroom

Most monitors reported that Judge Lynaugh maintained "order" and "quiet" in the courtroom. However, one monitor described an occasion when it seemed the judge allowed one witness to "ramble" during testimony. The monitor noted, "She allowed the litigant to go on and on."

Audibility

Monitors noted that Judge Lynaugh spoke softly or "mumbled" much of the time; resulting in her being "difficult to hear."

Hon. Ettore A. Simeone

Hon. Ettore Simeone is a graduate of the State University of New York at Binghamton and Albany Law School. From 1981 to 1989, he served as an assistant district attorney for Suffolk County. From 1990 to 1997, he served as principal law clerk to State Supreme Court Justice H. Patrick Leis III. In 1997, he was appointed to the Suffolk County Family Court by Governor George E. Pataki on an interim basis and elected to the Family Court the following year.

Judge Simeone was observed by ten monitors on eleven different days.

Demeanor

The monitors described Judge Simeone as "calm," "courteous," and "respectful to everyone." One monitor praised, "Judge Simeone cares for the children." Another described the judge as "like a father who was sympathetic yet firm."

Monitors praised the manner in which Judge Simeone interacted with children and others involved in the proceedings. One monitor was impressed that he talked to the involved children, "letting them know that they were empowered to make things better or worse." This monitor also pointed out that Judge Simeone used "certificates, pictures with the judge and applause" to encourage the children. Another monitor recounted a case in which a sign language translator was used with parents who were both profoundly hearing impaired. This monitor praised the judge for his patience with the parents and the translator: "the parents were agitated but the judge explained and explained until the [parents] understood their rights and the consequences of their behavior plus the reasons for his numerous [rulings] in the case."

Professionalism

Monitors found Judge Simeone to be "highly professional." They stressed that he was "very knowledgeable" on all observed cases and gave clear and thorough explanations, and "made sure he was understood." Another monitor noted, "His questions to petitioners were clear and on point." One monitor was impressed that he explained "which options were available for each litigant" particularly which program would best suit them.

Monitors praised Judge Simeone for the efficient manner in which he conducted proceedings. One monitor remarked, "Judge Simeone ran a very efficient courtroom with the very willing cooperation of his staff." One monitor was impressed with efforts not to waste time when a placement for a child had to be arranged. The monitor observed that the judge or a member of his staff would "on the spot" call the agency to start the placement process. On

another occasion Judge Simeone was actively involved in assuring that the afternoon session ended on time in keeping with new overtime rules for staff.

Monitors also were impressed by the formality of proceedings in Judge Simeone's courtroom. Two monitors were impressed that, in their experience, only Judge Simeone began the day with the Pledge of Allegiance. One monitor noted, "It was an effective reminder of where we were and what was happening." Another approvingly observed, "This was [only] the second courtroom here in family court where we were asked to rise each time the judge entered."

Command of the Courtroom

In general, monitors reported that Judge Simeone was in "good" control of his courtroom.

Audibility

Some monitors had difficulty hearing Judge Simeone and suggested, "The judge should speak up." Noise from the hallway and opening doors was reported as a problem attributed his inaudibility.

Hon. Jeffrey Arlen Spinner

Hon. Jeffrey Arlen Spinner is a graduate of Ithaca College and Touro College's Jacob D. Fuchsberg Law Center. From 1987 to 1997, he was engaged in private practice in Hartford, Connecticut and later in Suffolk County. From 1991 to 1997, he served as a small claims arbitrator in the Suffolk County District Court. In January 1998, he appointed a judge of the Suffolk County District Court on an interim basis by Hon. Robert Gaffney, Suffolk County Executive. In November 1998, he was elected Judge of the County Court of Suffolk County, and assigned to the Family Court in September 1999. During this project, Judge Spinner was the Presiding Judge of the Family Court Treatment Court as well as the Co-Presiding Judge of the Suffolk County Juvenile Drug Treatment Court.

Judge Spinner was observed by sixteen monitors on sixteen different days.

Demeanor

Monitors described Judge Spinner as "courteous," "empathetic" and compassionate. Several monitors described as having a "good rapport" with all of the people involved" in the proceedings. One monitor reported, he "treated the litigants fairly" and "allowed for [their] input." Others noted that he was "encouraging" to the litigants and "interacted beautifully with the families." One monitor reported that he seemed particularly "delighted" when conducting adoption proceedings.

Professionalism

Judge Spinner was described as very “professional.” Monitors noted that he gave thorough, clear explanations and “appeared to be knowledgeable” about the cases and “knew the litigants that appeared before him.”

Monitors praised the “efficient” manner in which Judge Spinner handled his caseload. One monitor observed, “Judge Spinner was the only judge sitting after July 4th weekend [and] he moved multiple cases with speed and efficiency.” Another observer noted, when there was a delay in the proceedings (to wait for drug testing results), he dealt with paper from another case.”

Command of the Courtroom

Monitors reported a generally well-controlled courtroom and those in the court “were quiet and attentive.” During another observation, the judge instructed a litigant not to wear a tank top (her attire that day) for her next court appearance.

Audibility

Most of the monitors reported being able to hear Judge Spinner only some of the time. Several noted that Judge Spinner spoke softly. Noise from courtroom doors and the hallway interfered with audibility for several monitors.

Other

One monitor felt that Judge Spinner “connected with children,” giving them a “positive view ” of the justice system. This monitor was especially impressed with the judge's interactions with one family that had five adopted children including one that was hearing impaired.

Hon. Patrick A. Sweeney

Hon. Patrick Sweeney is a graduate of Iona College and St John’s University Law School. From 1965 to 1968, he was an attorney in private practice. From 1970 to 1972, he was an attorney in the Legal Aid Society of Suffolk County’s Civil and Criminal Divisions as well as its Law Guardian’s Office. From 1972 to 1979, he was an assistant county attorney for Suffolk County, and from 1980 to 1998, he was a sole practitioner as well as special counsel to the Town of Huntington. In 1998, he was elected to the Suffolk County District Court on the Republic, Conservative and Right to Life tickets. He served in the District Court until his election to the Family Court in 2001.

Judge Sweeney was observed by seven monitors on seven different days.

Demeanor

Judge Sweeney was generally described as courteous and patient by the monitors. One monitor observed that Judge Sweeney appeared “helpful to litigants and attorneys.” Another monitor described a situation in which Judge Sweeney and an attorney were in disagreement yet treated each other with respect.

Professionalism

Monitors described Judge Sweeney as “efficient” and “thorough.” Several reported that he gave clear explanations and that he seemed “objective.”

In terms of preparation, two monitors felt that the judge appeared to be unprepared in some cases because “he was generally looking at papers while the ADA and [other] lawyers were speaking.”

Command of the Courtroom

Monitors generally found that maintained order in the courtroom. One monitor noted that Judge Sweeney had “excellent” control of the courtroom.

Audibility

Three monitors reported difficulty hearing the judge and others. They noted that the judge spoke softly and often did not ask others to speak up. Several commented on the constant traffic in and out of the courtroom through the door behind the judge, which interfered with the audibility of the proceedings.

Hon. Kerry R. Trainor

Judge Trainor did not respond to Modern Courts’ request for biographical data. Judge Trainor was observed by fourteen monitors on ten different days

Demeanor

A majority of the monitors found Judge Trainor to be courteous. They also described him as patient, attentive, and respectful of “parental concerns.” One monitor noted that he assisted litigants with appropriate questions and guidance. A monitor observed that the judge was stern and to the point in order to move the court calendar on a busy day. Another monitor reported one occasion when the judge was “tough” with a non-custodial father with an extensive criminal history, prohibiting any contact or show of affection to his son in the courtroom.

Professionalism

Monitors described Judge Trainor as very professional, noting that he was thorough and efficient. One monitor noted that the Judge gave clear explanations to adolescents and children, while another reported that he used "paraphrasing" to clarify issues with litigants. A monitor described one situation in which Judge Trainor used "tough but fair questioning to determine the true feelings of a young offender who had previously shown disdain for the court."

Command of the Courtroom

The majority of monitors reported that Judge Trainor's courtroom was well controlled, although one reported that he did not appear to be "bothered" by the noise of doors and people entering and leaving the courtroom. One monitor described the judge as a "powerhouse" in command to the courtroom.

Audibility

Monitors reported that proceedings were audible all or most of the time. As noted above, people entering and leaving the courtroom were a distraction for some monitors.

V. SUPPORT MAGISTRATES

The following are the monitors' evaluations of the support magistrates (“magistrates”) during the project. Monitors made a total of twenty observations of Support magistrates at work in the Family Court. As in their observations of the judges, monitors focused on such qualities as demeanor, professionalism, and ability to maintain control of the proceedings.

Demeanor

Overall, monitors praised the demeanor of support magistrates observed in the Family Court. Monitors described the magistrates as “patient” “courteous” and “respectful” to litigants, but also as “no-nonsense,” “business-like” and even “stern” when necessary.

Monitors observed that Magistrate Isabel Buse “treated all who came before her with courtesy and respect” and “she listened intently to all litigants.” They also noted that Magistrate Buse “was firm when she needed to be” such as “politely urging participants to come to the point.” One monitor noted she “showed patience and kindness” in a case involving “elderly confused custodial grandmother.”

The three monitors who observed Magistrate Althea Fields-Ferraro described her as “attentive” and “courteous” but with a “no nonsense” attitude. One monitor, she felt she was somewhat “cool and aloof.” This monitor felt that “an occasional smile, a little friendliness would go a long way.” Another monitor described her as somewhat “remote.”

Magistrate Denise Livrieri was described by as “courteous,” “friendly,” and “patient.” She seemed “very interested,” one monitor noted. Another stated Magistrate Livrieri was “very gracious in allowing for an unscheduled hearing for two litigants who were there on a different matter. The monitor also noted, that although the hearing “took quite a long time,” that Magistrate Livrieri “showed no impatience.” Yet another monitor praised Magistrate Livrieri for encouraging litigants to participate in decision-making.

Monitors described Magistrate Plosky as “very courteous.” They also noted that Magistrate Plosky was “very stern” at times “but very polite.”

Monitors observed that Magistrate John Raimondi treated “litigants and lawyers with respect and patience.” One monitor observed, he “allowed one litigant who ‘wanted to get it on the record’ to speak extensively about his complaints. When completed, he was ready to comply with the [Magistrate’s] suggestions.” Several monitors noted that Magistrate Raimondi “had an excellent rapport with attorneys.”

Monitors noted that although Magistrate Raimondi “was agreeable to most requests,” he could be stern as well. Mr. Raimondi “was quite stern with one litigant” when “he made it clear that any further violations [of the] child support [order] would lead to his incarceration.” It was also noted by one monitor that Magistrate Raimondi had a “very assertive clear voice that called for attentiveness by [all] those present.”

Monitors described Magistrate William Rodriguez as “very business-like” and “stern” but “encouraging” to litigants when it was necessary. Magistrate Rodriguez received praise from several monitors for not “pressuring” litigants to make agreements but carefully explaining the options available to them.

Professionalism

Monitors generally found the support magistrates to be “very professional” and “well-prepared.” In particular, monitors were impressed by the “thoroughness” and “clarity” of their explanations and rulings.

For example, one monitor stated Magistrate Buse’s “thoroughness was evident throughout” and another monitor noted that Ms. Buse “made sure litigants understood [her rulings or the procedures] even if she had to repeat them.”

One monitor noted that Magistrate Fields-Ferraro “explained her rulings very well [even] repeated some points several times” and “asked the respondent to write down what he had to do.”

One monitor observed, “Despite what appeared to be a heavy caseload, [Magistrate Rodriguez] asked probing questions and based upon the response, explained the various options and/or the requirements of the law and then scheduled the necessary follow-up actions.”

Monitors also praised the support magistrates for their “efficient” use of court time. During delays often resulting from litigants failing to appear, Magistrate Buse “used [the time] to sign papers” or “enter information” into her computer. Another monitor commented, “She moved things along, keeping participants focused on relevant matters.”

One monitor reported, Magistrate Raimondi “used...time efficiently” during the cases and “in between sessions he directed [his clerk] to execute certain documents” or “reviewed case [file] in preparation” for hearing the cases.

Although Magistrate Jill Plosky “spoke rapidly,” she “explained each hearing to all involved” as she moved cases along, completing twenty-four cases during one session.

Command of the Courtroom

Monitors were impressed by the “excellent” and, in some cases, “complete” control maintained by the support magistrates during the support and paternity proceedings that they observed. One monitor stated, Magistrate Jennifer Buetow “maintained control of litigants and attorneys. She knew how to handle certain situations that arose.” Another reported that Magistrate Buse maintained “complete order” in the courtroom. Magistrate Buse reprimanded “one respondent [for his] disrespect for the court since he failed to notify court that he would be late (7 hours!) for his 9 AM appearance the day before.” On another occasion, a monitor

observed Magistrate Raimondi “sen[d] a sheriff to her place of work [of one litigant] to reinforce the importance of being in court when expected.”

Audibility

Monitors generally found that the proceedings in the support magistrates’ hearing rooms were audible due in part to the smaller size of these rooms. However, the magistrates “occasionally had to remind participants to speak up into the microphones since [the] proceedings were being recorded” and several monitors noted that often the support magistrates “spoke too rapidly.”

VI. ATTORNEYS

During this monitoring project, monitors observed a variety of attorneys at work in the Family Court, including law guardians from the Legal Aid Society (who are charged with safeguarding the legal rights of the children in family court proceedings), other court-appointed attorneys, assistant district attorneys, and county attorneys representing local government agencies. On occasion, litigants appeared with a privately-retained attorney. However, in some cases, particularly support matters, monitors found that the litigants frequently appeared without any legal representation.

Treatment of Litigants and Others

Monitors generally found that attorneys in the Family Court "treated litigants and judge[s] respectfully" and were "professional." Monitors noted that court-appointed attorneys "appeared caring and considerate" particularly in the juvenile delinquency parts. One monitor found that attorneys seemed "cooperative" with the judges and other attorneys. One ADA was praised for "his appeal to the pregnant young woman to reconcile with her mother who was caring for her other child. His comments were apt, moving, eloquent and understandable."

Monitors were particularly impressed by the law guardians' "concerned" and often "compassionate" treatment of the children that they represented and others in the courtroom. One monitor noted, "The law guardian [who] was involved in a majority of the cases, ...had an excellent rapport with the litigants, their families and the judges." A monitor described another law guardian as "conscientious, reassuring to new clients assigned to him that day," noted that he carefully ascertained what they were seeking [and] explained how he intended to proceed." Another monitor observed, "Two law guardians [who] seemed to work as a team, and did a fine job." However, one judge "berated" a law guardian whose behavior was distracting to the proceedings and "interrupted the judge more than once."

Adequacy of Representation

Overall, monitors were impressed by the "forceful" and "knowledgeable" manner in which the attorneys represented their clients in the Family Court. One monitor described the assistant county attorney in an abuse and neglect case as "excellent," noting that he was "very active in proposing solutions." Another monitor was impressed that, in one abuse case, the law guardian and another attorney "persisted" in asking for corrections to a report presented by a county attorney who "appeared not to be up to speed on a case" and "resisted their requests to revise his [agency's] reports." The monitor "commended" the law guardian and the other attorney "for caring about being as accurate as possible for the sake of their client." In another case, a monitor observed a law guardian who "volunteered to go to a [facility that the judge was unfamiliar with] the following day on his lunch hour" to facilitate the placement of a child that he was representing.

Level of Preparation

Monitors reported that the majority of attorneys were prepared. One monitor observed that a law guardian, who when asked for an opinion about a case, "was well versed in case and gave detailed findings and case facts." Another monitor described a case in which the "law guardian seemed to be the most informed person as to follicle testing and the law" informing the Judge that "he had the power to order it." In another case before Magistrate Buse, a monitor stated, "the ACA (assistant county attorney) had close control of the information needed and was prepared to answer all questions." Another monitor was "most impressed by the ADA because he was so prepared."

Although many attorneys observed by the monitors seemed prepared, some attorneys appeared unfamiliar with their clients and cases. One monitor observed a law guardian "taking on" five cases on the spot. The monitor noted that the law guardian "introduced himself to these new clients and discussed their cases with them" in the courtroom. Another monitor commented, "I think it would be helpful if Legal Aid attorneys had more time to meet with clients before court session." This monitor added, "At times some have had to talk to clients in front of the bench."

Monitors attributed the lack of preparation of some attorneys to their heavy caseloads. One monitor observed that some attorneys arrived with "stacks and stacks of [files]." It appeared to another observer that, "some Legal Aid Attorneys are given too many cases to handle." However, some attorneys received praise for their preparation despite their heavy caseload. For instance, one monitor commented, "Mr. Abel, a county attorney, was very well organized despite a massive file."

Absent or Late Attorneys

Occasionally, court proceedings were delayed due to late arriving or absent attorneys. For instance, in one case, a Legal Aid Attorney for a litigant did not show up. The litigant was told that "someone [from Legal Aid] would meet" her in the courtroom. The proceedings were delayed while a "call was made to Legal Aid." One observed a court session where "one attorney came three hours late and did not have the proper papers" with the "excuse [that] he had to be at Supreme Court in Riverhead" and appeared to the monitor that the attorney "was not particularly sorry for inconveniencing [the] other attorney for 3 hours." Another monitor remarked, "Attorneys know when they are to be in court. They should make the effort to be there on time."

Audibility

Many monitors reported that it was often difficult to hear the attorneys. One monitor observed that "The attorneys were talking among themselves and to people in the audience" contributing to the audibility problem.

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 translator 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.

The majority of the monitors found that the non-judicial court personnel particularly the court officers were "helpful" and "polite." Many found court officers provided assistance in finding court proceedings; others noted that they willingly answered questions. One experienced monitor commented, "I must say that the attitude of personnel has changed (for the better) in the years I've been a monitor. ... After six years of monitoring I feel we have accomplished so very much." Another monitor noted that "staff seemed very compatible with each other" and postulated that the assignment of court officers to one judge may have contributed to "team" formation. Yet another veteran monitor said, "I have the sense of good morale in Family Court, more so than in other courts."

Among the negative reports, frequent and noisy entering and leaving the courtroom was the most common unfavorable comment about both court officers and court clerks. One monitor reported that her question, to a court officer, was ignored; another observed a court officer chewing and drinking water in the courtroom.

Translators

In the great majority of cases, no translator was needed. In the cases, where an translator was needed, generally an translator was available. Several monitors noted that the primary need was for Spanish translators although monitors observed translators ranging from Turkish language to sign language. One monitor was told that there was a Spanish translator on staff while those for other languages were called as needed.

For the most part, the requested translator arrived with little delay. However, this was not always true. Several monitors reported significant delays in obtaining an translator on several occasions. One commented that there were too many requests for this service and others noted that proceedings were delayed or rescheduled in a few cases awaiting a translator. Alternate approaches were used on occasion: one attorney was bi-lingual as was a probation officer in another case, and both served as translators in their cases.

One monitor praised, a sign language translator "helped to keep [a litigant] calm" who was very agitated.

VIII. DEPARTMENT OF SOCIAL SERVICES AND OTHER SUPPORT AGENCIES

To help troubled families and children resolve their problems, the Family Court relies in part on the work of governmental and non-governmental agencies. Monitors observed representatives from some of these agencies at work in the Family Court.

The primary county agencies represented in the Suffolk County Family Court were the Department of Social Services (DSS), including the Support Collection Unit (SCU) and Child Protective Services (CPS), and the Department of Probation. Additionally, monitors observed representatives from local school districts, shelter and detention facilities, and domestic violence victim advocates, among others.

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.

Representatives for the Department of Social Services were observed frequently in the Suffolk County Family Court. In many cases, monitors reported that they were “prepared” and “efficiently presented their information.” One DSS representative was praised for being “reassuring to a boy being sent to Sagamore” detention facility. However, in one case, the judge asked the CPS representative to “get more complete information before the judge [c]ould make a decision.” Another monitor observed a DSS representative who “rambled on and on” and appeared “poorly organized.”

Department of Probation

The Department of Probation assists the Family Court with evaluation of those involved in juvenile delinquency and Persons in Need of Supervision (PINS) 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.

Representatives from the Department of Probation appeared ill prepared in several cases that the monitors observed. One monitor observed proceedings that were delayed due to the “absence of the probation officer.” On another occasion, a monitor stated that the probation officer involved in the case “did not appear to have information on status of available facilities for young people requiring supervised housing.” The monitor noted, “Cases had to be adjourned which appears to put a burden on parents having to take [time off work] again, and children returning for unsupervised settings.” In another case, a probation officer and his supervisor “signed off” of the release of a PINS girl seeking release from supervision without reporting or even being aware that she had been suspended from school 33 times in the past year. A monitor observed, “Judge Freundlich told the [officer] who had primary responsibility for

checking on the girl: ‘You have the duty to perform. The court has to rely on that. What do you do all day.’”

Other Observations

One monitor was concerned about an incident which she observed. "I don't know what agency it was but two men were testing urine in a cup ... right by the telephone and across from the bathroom." The specimen apparently was from a younger man who was also present. The monitor was concerned about privacy and sanitation issues.

IX. OPERATIONS

Delays and Adjournments

Monitors found that frequently proceedings in the Family Court were delayed for a variety of reasons. They commonly cited for the delays were late or absent attorneys. One monitor recounted an occasion where the “attorney was absent and despite efforts to locate him, the case was put off until two o’clock.” Another monitor noted, attorneys were sometimes late because they were in other courtrooms.

Delays also frequently resulted from the non-appearance or lateness of litigants. One monitor, who observed a judge retire to chambers because none of the attorneys or litigants was present, felt “too much time was wasted waiting for litigants to show up as well as an attorney.”

Another cause of delays was the late addition of cases to the judge’s or support magistrate’s calendar. For instance, one monitor noted that there was a delay during the session because “six additional cases were sent to one judge” from another judge’s calendar. Another monitor witnessed a case where the judge “explained several times to attorneys and litigants that cases had been added to the calendar” which resulted in delays in hearing their cases.

In some cases, monitors found that the reason for the delay was not explained. One monitor reported, “The courtroom was locked until 10:27. I was waiting outside with parents and their children [since] 9 AM [and] the court officers and the law guardian said nothing to the group waiting.” The monitor suggested, “when a judge is [starting] late, perhaps the people waiting in the hall could be informed.”

Computer System Related Delays

Monitors reported that the court’s new computer system was causing delays in the proceedings. For instance, in a support case, a monitor reported, “a computer down situation’ prevented confirmation of certain alimony payments forcing an adjournment.” This monitors also noted that a “scheduling error brought in substantial numbers of petitioner and respondents at 2PM resulting in a large backlog.” Another monitor observed a session where the judge had to delay proceedings because the “the computer has lost many papers or misplaced them.” More than one monitor observed proceedings in which the judge attributed a delay to “waiting for the computer to clear” a recently updated case. One monitor reported that the judge explained the delays by stating, “I can’t go on to the next case until the computer has cleared the last case.” A court officer elaborated on the judges’ explanation by stating, “the only reason [that proceedings could not continue was] if we lose it [the case] on the computer, we may not get it back.” Another monitor witnessed a case where the judge “asked a few litigants to sit and wait” because their “information [was] not in the computer.”

X. FACILITIES

The Suffolk County Family Court is primarily located in the Peter Cohalan Court Complex in Central Islip. It is a sprawling 500,000 square foot structure that cost \$128 million to construct. The Complex, which was opened in 1992, also houses the District Court, and other administrative offices including the offices of the District Administrative Judge and Commissioner of Jurors. An East End branch of the Family Court is also located in the Millbrook Office Campus on East Main Street in Riverhead.

General Court Facilities

Central Islip

Monitors described the Central Islip facility as generally "clean," "well-maintained," and "well-lit." Several monitors noted that cleanliness in particular seemed to be a "priority" and observed the halls and outside of the building being swept on several occasions.

Although the facilities were generally "clean" and "well-maintained," there were multiple occasions when the bathrooms "needed some attention" because they "had toilet paper all over the floor" or conversely "no toilet paper [or] paper towels" or were "in need of mopping." Other monitors found, "a door lock broken so that you couldn't close the door" on a third floor bathroom and toilets that would not flush. Several monitors also noted that the toilet seats in the second floor women's restroom were in deplorable condition and desperately "need to be replaced."

One monitor also noted that the bathroom on the first floor sometimes "reeked of smoke." The monitors "didn't see any 'No Smoking' signs" and suggested that there "needs" to be such a sign and a smoke detector in the bathroom.

"Crowded" "noisy" hallways were reported by many of the monitors. They attributed this to lack of adequate waiting and conferencing areas in the courthouse. One monitor described the typical waiting area as a "bench and [some] window ledges just a few feet from the courtroom doors." Several monitors noted that "often" there were "not enough benches in the hallways" for waiting litigants. Another observer agreed, describing the hallways as a "free for all" with "people wandering [around] and arguing" or "meeting with lawyers." Yet another monitor stated that the hallways on the second and third floors "are filled with people, lawyer [and] officers." The monitor added, "I wish there were meeting rooms where litigants and attorneys could meet privately." Monitors found that the lack of adequate waiting areas and conferencing space led to noise in the hallway that sometimes affected the audibility of the proceedings in the courtroom. As one monitor reported, "people waiting on benches outside [the] courtroom could be heard speaking loudly at times."

Riverhead

Monitors who observed in Riverhead facility described the court facilities as "clean," "well-lit," and "comfortable." Several monitors praised the accessibility of the building for

disabled persons. One monitor noted that “automatic, sliding glass doors at [the] entrance make for easy [disabled] accessibility” and that there was “an adequate waiting room and good parking facilities close by.” This monitor also observed that, although there was a children’s center “but it was not being used because they had no volunteers to staff it.” One monitor also noted that although the office complex where the family court is located is “easy to spot,” it was difficult to find the actual building housing the Family Court. This monitor suggested that a sign indicating where the family court facilities are would be helpful.

Courtrooms

Central Islip

Most monitors reported that courtrooms in the Cohalan Court Complex were “clean”, “well-lit” despite having no windows, and “adequately” maintained. Judge Blass’ courtroom in Riverhead was described as “clean” and “comfortable” by the monitors. One monitor described it as “very similar to the courtrooms in Central Islip.”

Seating was inadequate in some courtrooms in which the monitors observed proceedings. One monitor, who observed a session in Judge Freundlich’s courtroom, reported, “Sitting was at a premium; many attorneys were present and sometimes it [seemed] like musical chairs” was being played in the courtroom. In addition to the attorneys, some detained juvenile offenders were allowed visitation in the courtroom with their families prior to their appearance. The monitor felt, “Some other arrangement, rather than a bench or a couple of chairs in a courtroom could be made,” which would also provide the families some privacy. Another monitor who observed proceedings in Judge Spinner’s courtroom reported, “The room was entirely too small. Seats had to be brought in and placed in make-shift places.”

Monitors repeatedly reported that the "banging" “noisy” double doors at the entrance of the courtroom were “intrusive” to the proceedings. During the proceedings, people frequently entered and exited through the swinging doors at the rear of the courtrooms creating an “excessive” amount of noise and as one monitor noted, “everyone looks back when the door closes” which distracts from the proceedings. Monitors noted that the opening of doors also hindered audibility of the proceedings by allowing noise from the hallways to be heard in the courtrooms.

Monitors recommended that efforts be made to “soften” or “slow” the closing of the doors. One monitor reported that during an observation in Judge Simeone’s courtroom, the court officers “were careful to hold the doors until they closed instead of letting them slam. This greatly improved audibility over other courtrooms.”

In regards to the accessibility of the courtrooms for disabled persons, several monitors noted that the swinging double doors posed a problem for a wheelchair bound party who needed assistance to navigate the doors. One of the monitors felt that double doors “should be automatic” to enable disabled visitors to easily access the courtroom. Several monitors, however, noted that a lowered podium was provided for an attorney in a wheelchair.

Hearing Rooms

Central Islip

Monitors repeatedly described the support magistrates' hearing rooms as "small" and "intimate" but usually "adequate for the cases heard." One monitor noted that the "space was used efficiently" in the hearing room that she sat in." The same monitor also noted, "The acoustics were much better than [in] a full-sized courtroom." However, several monitors noted that hearing room felt "crowded" when litigants appeared with attorneys or agency representatives were present for the hearings

On another note, one monitor who observed proceedings in a hearing room on a warm muggy day felt that the room was "very poorly ventilated." The magistrate indicated that a fan was available for use in the room but she "rarely used it as the noise interfered with the hearing."

One monitor reported a hearing room where microphones were attached to cords that ran across the floor; built-in wiring was suggested to avoid accidents.

XI. RECOMMENDATIONS

1. The Family Court should take measures to reduce the number of delays and adjournments during the proceedings.

Delays and adjournments in the Suffolk County Family Court often resulted from litigants' or attorneys' 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 court administrators in Suffolk County to assess the causes (whether it be the failure of respondents to be properly served or transport issues) of the vast number of appearances in the Family Court and possible solutions such as the creation and enforcement of sanctions for non-appearances and a better means of serving litigants who live outside of the county.

2. The New York State Legislature should ensure that there is adequate funding for civil legal services particularly in the Family Court.

Monitors observed the consequences of inadequate funding of civil legal services in New York State: Legal Aid attorneys and other appointed counsel observed, although praised for their professionalism including their treatment of litigants, appeared to be overextended. Monitors witnessed them running from courtroom to courtroom to cover their cases resulting in delays and adjournments. Worse, the lawyers' overwhelming caseloads seemed to result in inadequate preparation. In some cases, attorneys met their clients for the first time just before they appeared before a judge or, in some instances, at the bench; while most lawyers did their best under the circumstances, monitors questioned whether a lawyer could be sufficiently familiar with a case with so little time for preparation.

New York State has shifted the bulk of the burden of its constitutional mandate to provide public defense services to localities. Localities such as Suffolk County, who are currently operating under severe budget constraints, struggle to provide quality legal services to indigent defendants.

While the Legislature and the Governor increased assigned counsel fees in 2003 to \$60 per hour for misdemeanor representation and \$75 for felony representation, it is troublesome and possibly disastrous that the state is not providing any funding for this mandate until 2005, although the increase is effective as of January of 2004 and that the revenue source is increased fees paid to the counties.

Thus, the monitors urge both the State of New York to share the costs of providing legal services to indigent defendants with localities by allocating additional funding and resources for criminal legal services.

3. The Suffolk County Department of Probation should improve staffing and supervision in the Family Court.

Monitors observed proceedings that were delayed because representatives of the Probation Department did not have necessary information, presented inaccurate or incomplete information to the judge and magistrates, or failed to appear. Judicial personnel depend upon timely reports from a variety of agencies in the Probation Department to make informed rulings that protect the parties' interests; such information is especially important in safeguarding the best interests of children. Monitors urge 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 children' interests are protected.

4. Suffolk County should improve housekeeping and maintenance of the court facilities.

The monitors were dismayed by the condition of some of the court's particularly the restrooms, which were in deplorable condition. The broken benches, dirty carpeting, and leaky ceilings diminish the dignity of the court, and inconvenience those who must use it. We urge the County to provide adequate resources and staffing to maintain the facilities in a clean and functional condition.

5. The court's need for additional waiting areas and conferencing areas should address.

Monitors reported that, while the courtrooms and hearing rooms appeared to be adequate in size and well maintained, additional space was needed in the facility. The hallways become so crowded that litigants and their families have no place to sit and created noise from the hallways that spilled into the courtrooms. 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. The monitors urge that the County reallocate space in the family court complex in order to meet the needs of the Family Court's litigants and staff.

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