



REPORT
OF THE
NEW YORK STATE BAR ASSOCIATION'S
TASK FORCE ON THE STATE OF OUR COURTHOUSES

JUNE 20, 2009



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**New York State Bar Association
TASK FORCE ON THE STATE OF OUR COURTHOUSES**

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Table of Contents

Roster of Members of the Task Force	p. ii
Table of Contents	pp. iii-vii
I. Executive Summary	pp. 1-7
A. Background	pp. 1-2
1. <i>Appointment</i>	pp. 1-2
2. <i>Mission Statement</i>	pp. 2
B. Methodology	pp. 3-4
1. <i>The Sample</i>	p. 3
2. <i>Data Collection and Analysis</i>	pp.3-4
C. Key Findings and Recommendations	pp.4-7
1. <i>Findings</i>	pp. 4-5
a. Public Accommodations	p. 4
b. Private Conference Space	p. 4-5
c. Signage	p. 5
d. Lighting and Acoustics	p. 5
e. Judges' and Court Personnel Facilities for Lunch, Conferences and the Like	p. 5
f. Electronic Filing and File Management	p. 5
g. Other Improvements	p. 5
2. <i>Recommendations</i>	pp. 6-7
II. Project Background	pp. 7-10
A. Summary of Statutory Rules and Jurisdictional Issues	pp. 7-9
1. <i>Pre-Unified Court System</i>	p. 7
2. <i>Creation of the Unified Court System</i>	p. 7-8
3. <i>Enactment of the Court Facilities Act</i>	p. 8
4. <i>Amendments to the Court Facilities Act</i>	p. 8-9
B. Previous Studies & Implementation	p. 9-10
1. <i>Survey of Court Facilities in New York State 1981 by the Office of Court Administration and the Chief Judge's Court Facilities Task Force</i>	p. 9
2. <i>Special Committee on Public Trust and Confidence in the Legal System</i>	p. 9-10
3. <i>The Fund for Modern Courts</i>	p. 10
4. <i>The New York County Lawyers' Association</i>	p. 10
III. Research Objective and Methodology of Surveys	pp. 10-13
A. Research Objective	p. 10
B. Sampling	pp. 10-11
C. Data Collection	pp. 11-13
IV. Summary of Study Findings	pp. 13-31
A. All Combined Responses	pp. 13-20
<i>Background</i> (questions 1-5)	pp. 14-15

	<i>Demographics</i> (questions 72–76)	p. 15
	<i>Public Building Facilities</i> (questions 6–16)	pp.15-16
	<i>Courtroom</i> (questions 17–18)	p. 16
	<i>Jury Assembly Room</i> (questions 19–20)	p. 16
	<i>Jury Deliberation Room</i> (question 21)	p. 16
	<i>Law Library</i> (questions 22–23)	p. 16
	<i>Office of the Court Clerk/Commissioner of Jurors</i> (question 24)	p. 17
	<i>Food Service</i> (question 25)	p. 17
	<i>Refreshment/Vending Machine Area</i> (question 26)	p. 17
	<i>Restroom Facilities</i> (question 27)	p. 17
	<i>Children Center</i> (question 28)	p. 17
	<i>Private Conference Space</i> (questions 29–30)	pp. 17-18
	<i>Accessibility for Persons with Disabilities</i> (question 31)	p. 18
	<i>Lighting Conditions-Court Interior</i> (questions 32–34)	p. 18
	<i>Sound: Court Interior</i> (questions 35–40)	p. 18
	<i>Directions to the Courthouse</i> (questions 41–43)	pp. 18-19
	<i>Lighting Conditions: Court Exterior</i> (question 44)	p. 19
	<i>Technology</i> (questions 45-47)	p. 19
	<i>Information Access</i> (questions 55–58)	p. 19
	<i>E-Filing</i> (questions 59–64)	pp. 19-20
	<i>Summary</i> (questions 48–54)	p. 20
B.	Attorney Responses	pp. 20-23
	<i>Background</i> (questions 1–5)	p. 20
	<i>Demographics</i> (questions 72–76)	p. 20
	<i>Public Building Facilities</i> (questions 6–16)	pp. 20-21
	<i>Courtroom</i> (questions 17–18)	p. 21
	<i>Jury Assembly Room</i> (questions 19–20)	p. 21
	<i>Law Library</i> (questions 22–23)	p. 21
	<i>Office of the Court Clerk/Commissioner of Jurors</i> (question 24)	p. 21
	<i>Refreshment/Vending Machine Area</i> (question 26)	p. 21
	<i>Restroom Facilities</i> (question 27)	p. 21
	<i>Children Center</i> (question 28)	pp. 21-22
	<i>Private Conference Space</i> (questions 29–30)	p. 22
	<i>Accessibility for Persons with Disabilities</i> (questions 31 and 43)	p. 22
	<i>Technology</i> (questions 45–47)	p. 22
	<i>Information Access</i> (questions 55–58)	p. 22
	<i>E-Filing</i> (questions 59–64)	p. 22
	<i>Summary</i> (questions 48–54)	p. 23
C.	Judges and Court Staff Responses	pp. 23-25
	<i>Demographics</i> (questions 72–76)	p. 23
	<i>Public Building Facilities</i> (questions 6–16)	p. 23
	<i>Courtroom</i> (questions 17–18)	p. 23
	<i>Jury Deliberation Room</i> (question 21)	p. 23
C.	Judges and Court Staff Responses (<i>continued</i>)	pp. 23-25
	<i>Law Library</i> (questions 22–23)	p. 23
	<i>Refreshment/Vending Machine Area</i> (question 26)	p. 24

	<i>Restroom Facilities</i> (question 27)	p. 24
	<i>Children Center</i> (question 28)	p. 24
	<i>Sound: Court Interior</i> (questions 35–40)	p. 24
	<i>Lighting Conditions: Court Exterior</i> (question 44)	p. 24
	<i>Technology</i> (questions 45–47)	p. 24
	<i>Information Access</i> (questions 55–58)	p. 24
	<i>Judges' Equipment and Facilities</i> (questions 65–68)	pp. 24-25
	<i>In the Courthouse</i> (questions 69–71)	p. 25
D.	Public	pp. 25-28
	<i>Background</i> (questions 1–5)	p. 25
	<i>Demographics</i> (questions 72–76)	p. 26
	<i>Public Building Facilities</i> (questions 6–16)	p. 26
	<i>Courtroom</i> (questions 17–18)	p. 26
	<i>Jury Assembly Room</i> (questions 19–20)	p. 26
	<i>Jury Deliberation Room</i> (question 21)	pp. 26-27
	<i>Law Library</i> (questions 22–23)	p. 27
	<i>Office of the Court Clerk/Commissioner of Jurors</i> (question 24)	p. 27
	<i>Food Service</i> (question 25)	p. 27
	<i>Refreshment/Vending Machine Area</i> (question 26)	p. 27
	<i>Restroom Facilities</i> (question 27)	p. 27
	<i>Children Center</i> (question 28)	p. 27
	<i>Private Conference Space</i> (questions 29–30)	p. 27
	<i>Accessibility for Persons with Disabilities</i> (question 31)	p. 27
	<i>Sound: Court Interior</i> (questions 35–40)	p. 28
	<i>Directions to the Courthouse</i> (questions 41–43)	p. 28
	<i>Technology</i> (questions 45–47)	p. 28
	<i>Information Access</i> (questions 55–58)	p. 28
	<i>Summary</i> (questions 48–54)	p. 28
E.	Task Force Visits	pp. 28-31
V.	Best and Worst Practices	pp. 31-47
	A. Design and New Construction	pp. 31-32
	B. Renovations	p. 32
	C. Parking	pp. 32-33
	D. Accessibility for Persons with Disabilities	p. 33
	E. Elevators	p. 34
	F. Security	pp. 34-35
	G. Court Personnel	pp. 35-36
	H. Clerk's Office	p. 36
	I. Signage and Directions	pp. 36-37
	J. Courtrooms	p. 37

V. Best and Worst Practices <i>(continued)</i>	pp. 31-47
K. Jury Assembly Room	p. 38
L. Jury Deliberation Rooms	p. 38
M. Waiting Areas	pp. 38-39
N. Conference Space	pp. 39-40
O. Restrooms	pp. 40-41
P. Children Center	p. 41
Q. Law Library	pp. 41-42
R. Judges and Court Personnel Facilities	p. 42
S. Accommodations for Criminal Defendants	p. 42
T. Lighting	pp. 42-43
U. Acoustics	p. 43
V. Heating and Ventilation	p. 43
W. Technology	pp. 43-44
X. Telephones	p. 44
Y. Food Service	pp. 45-46
Z. Filing	p. 46
AA. Repairs and Maintenance	pp. 46-47
BB. Innovations	p. 47

Appendices *(contained on the CD that accompanies this Report)*

A. Research and Reports from Other Sources

- A01: Report of the Special Committee on Public Trust and Confidence in the Legal System, New York State Bar Association, January 26, 2001
- A02: Report on the Albany County Family Court, Fund for Modern Courts, 2001
- A03: Chautauqua County Court Facilities Assessment, Fund for Modern Courts, 2002
- A04: Report on the Dutchess County Town and Village Courts, Fund for Modern Courts, January 2008
- A05: Report on the Kings County Supreme Court, Fund for Modern Courts, 2002
- A06: Report on the Criminal Court – The Kings County Court Monitors, Fund for Modern Courts, 2000
- A07: Report on the Monroe County Family Court, Fund for Modern Courts, 1998
- A08: Report on the Nassau County Court, Fund for Modern Courts, 2000
- A09: 60 Centre Street Court Facilities Assessment, Fund for Modern Courts, 2002
- A10: Report on the New York County Criminal Court, Fund for Modern Courts, 2004
- A11: Report on the Rockland County Family Court, Fund for Modern Courts, 1999
- A12: Report on the Saratoga County Town and Village Courts, Fund for Modern Courts, 2008
- A13: Report on the Saratoga County Family Court, Fund for Modern Courts, 2003
- A14: Report on the Schenectady City Court, Fund for Modern Courts, 2003
- A15: Report on the Schenectady County Court, Fund for Modern Courts, 2002
- A16: Report on the Schenectady County Family Court, Fund for Modern Courts, 2000
- A17: Report on the Suffolk County Court, Fund for Modern Courts, 2000
- A18: Report on the Suffolk County Family Court, Fund for Modern Courts, 2004
- A19: Report on the Worst Conditions in Each State Courthouse in New York County, New York County Lawyers' Association Special Committee on State Court Facilities, November 8, 1999
- A20: Memorandum from Madison County Court Chambers, November 12, 2008
- A21: Report on Oneida County Courthouses, March 2009

A22: Report on Oneida County Family Court, September 25, 2008

B. Attorney Survey Questionnaire

C. Judge and Court Staff Questionnaire

D. Juror and Public Questionnaire

E. Combined Responses

E01: All Combined Questions

E02: All Combined survey Responses

E03: Attorney Only Responses

E04: Judge and Court Staff Responses

E05: Responses from the Public

F. Text of open-ended questions

G. Cross-tabulations by Courthouse Type

H. Task Force Visit Reports

I. Guidelines for New York State Court Facilities (Part 34 of the Rules of the Chief Judge)



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I. Executive Summary

A. Background

1. Appointment

In the summer of 2008, New York State Bar Association President, Bernice K. Leber, created this Task Force to further one of her goals as President of the NYSBA: to improve the perception of lawyers by the public. Since the public is often introduced to the legal system at the courthouse, she felt that one way to improve the public's impression of lawyers is to envision, provide and maintain high-quality physical facilities. President Leber pointed out that "courthouses have a direct impact upon peoples' lives, the delivery of justice, the rule of law and the legal profession."

The NYSBA Task Force on the State of Our Courthouses had its inaugural meeting on July 8, 2008. Made up primarily of members of the Commercial and Federal Litigation Section, the task force was chaired by Gregory K. Arenson of Kaplan Fox & Kilsheimer LLP, in New York City; Melanie L. Cyganowski of Otterbourg, Steindler, Houston & Rosen PC, in New York City; and Sharon M. Porcellio of Ward Norris Heller & Reidy LLP, in Rochester. Twenty members were appointed to the Task Force, representing firms of different sizes from throughout the state, different practice areas and age groups, and included views from the court and the Bench. The Task Force was honored to include Mr. Prakash D. Yerawadekar, who had served for many years as the Chief Architect of the New York State Unified Court System and who brought to the Task Force a consummate knowledge and understanding of the background and condition of New York's courthouses and the issues that should be considered in a study of this type.

At the outset of its work, the Task Force acknowledged and examined the report of the Special Committee on Public Trust and Confidence in the Legal Profession, captioned, "Enhancing Public Trust and Confidence in the Legal System." That report was presented to NYSBA's House of Delegates in January 2001, and a copy is included in Appendix A-1. It discussed such topics as:

- Bias and prejudice and access to justice
- Delays in justice and the need for a comprehensible user-friendly court system
- Legal and judicial ethics
- The jury system and provision of adequate court facilities
- Public understanding and media portrayal of the legal system

Building on the fine work of that earlier Special Committee, the Task Force was also aided in its examination of the subject by having access to materials provided by the Fund for Modern Courts, including earlier studies of courthouse conditions in New York. Copies of those studies conducted by the Fund for Modern Courts are included as Appendices A-2 to A-18.

2. *Mission Statement*

The Mission Statement for the Task Force is:

Courthouses have a direct impact upon peoples' lives, the delivery of justice, the rule of law and the legal profession. Among other things, the Task Force on the State of Our Courthouses will examine:

Whether adequate facilities exist for lawyers to have private and confidential communications with their clients and each other;

Whether courthouses provide judges and their staffs with appropriate facilities for lunch, conferences and the like;

Whether there are safe, accessible and clean public accommodations, such as chairs, restrooms, water fountains, coatrooms, and places to purchase food/snacks/beverages and consume them;

Whether there are sufficient and obvious personnel and signage available to assist people to their destinations and with questions;

Whether there is adequate lighting to make the courthouses less intimidating and more functional, as well as adequate sound systems;

Whether it is possible to make public court documents available electronically to the public and to have other computer availability in the courthouse;

Whether there are any other improvements that could be made to the courthouses that could make the courthouses more user-friendly and efficient given the security and other systemic concerns.

The Task Force will survey the bar, judges and their staffs and, based upon those results, visit a representative sampling of courthouses throughout the state. The Task Force shall prepare a report recommending any appropriate reforms, both by statute, policy and practice, to the Executive Committee and the House of Delegates.

B. Methodology

The Task Force was arranged into nine subcommittees. Seven subcommittees were assigned to draft questions for surveys to gather information on the seven issues described in the Mission Statement. Two subcommittees gathered information relating to existing laws concerning the funding of the courts and prior surveys or studies of the courts.

Members of the Task Force assisted with the development of the surveys including: drafting and reviewing multiple versions of the survey questions, field testing the surveys, and coordinating with the Office of Court Administration the distribution of the survey to the public (principally jurors), judges and court personnel. Members of the Task Force also volunteered to personally visit and inspect several courthouses and report their findings to the Task Force.

The Task Force was provided with unstinting staff support from Staff Liaisons Terry Brooks, NYSBA Senior Director of Continuing Legal Education, Connie Schin, NYSBA Marketing Manager. Ms. Schin coordinated drafting and changes to on-line and hard-copy surveys, and data collection and reporting. The Task Force was also assisted in this project by Donald Levy, Ph.D., of the Siena Research Institute. Dr. Levy reviewed and critiqued the survey questionnaire, including the question structure and answer options, and produced various reports on the results. The Committee was also assisted in research and drafting by Danny Hatem, Independent Strategic Consultant, of Buffalo, NY.

1. The Sample

The courthouse survey was sent via e-mail to 36,198 attorneys whose e-mail addresses were contained in the New York State Bar Association's database. The Office of Court Administration agreed to send an e-mail to its court personnel, encouraging them to complete a survey designed for their use and providing them with an electronic link to that survey. Approximately 1,400 judges received, via regular mail, a printed version of the survey, specific to jurists. The Fund for Modern Courts provided assistance by distributing approximately 500 public-oriented surveys at locations in four of New York City's boroughs and in White Plains. The Courts' District Administrative Office Executives provided 800 copies of the public-oriented survey to jurors and others in their respective courthouses.

2. Data Collection and Analysis

Data was collected using both an on-line survey and hard-copy formats. As described above, attorneys for whom the NYSBA had an e-mail address in its data base received an e-mail invitation and a reminder to participate in the survey on-line, with a maximum of 5,000 invitees per county. The public and judges received printed surveys. OCA was asked to send an e-mail to other court personnel inviting them to participate in an on-line survey.

The first portion of the survey sought information specific to the respondent's courthouse visit (*i.e.*, in what capacity they visited the courthouse, type of courthouse, location, and frequency of visits). The next section of the survey sought general information about the public building facilities. Respondents were then asked to evaluate specific areas, if observed, such as a courtroom, jury assembly and deliberation rooms, law library, private conference space, clerk's office, food service or refreshment area, children center, and restrooms. Additional categories of questions included: lighting conditions (both within the facility and outside); acoustics; safety conditions, ADA accessibility, availability of technology; information access; e-filing (attorneys, judges and court

personnel only); equipment and facilities (judges and court personnel only); and demographics (gender, ethnicity, age and county). Copies of the survey are included as Appendices B, C and D.

C. Key Findings and Recommendations

Many of New York's older courthouses are majestic structures designed to convey a sense of gravity to the proceedings conducted inside. The county courthouse was often the only county facility that most citizens encountered. Courthouse construction frequently represented a tangible expression of civic pride.

The importance of courthouse facilities is no less significant in the modern era. Updated, efficient and impressive courthouse facilities convey to litigants and to the public that justice is a societal priority. They give litigants confidence that their government has provided the resources to enable justice to be served and judges and court personnel an appropriate setting in which to discharge this most important function. They reinforce to jurors that they are performing an important societal function. They communicate to those charged with crimes the sense that they are in a serious place where society ensures that justice and fairness can be secured. Outdated, worn, dilapidated or makeshift courthouse facilities undermine the confidence of the public and the litigants that justice is a community concern.

1. Findings

To the credit of the State of New York and its localities that are responsible for the courthouses, the Task Force has found that the public views the physical conditions of our courthouses as generally good. Ninety-one percent of the 269 members of the public who completed surveys were completely or somewhat satisfied with the courthouse facilities they visited. Moreover, the superb attitude of the staff throughout the state is a real strength. Ninety-one percent of all respondents who completed surveys were completely or somewhat satisfied with the quality of service provided by court personnel. One Task Force member noted that she had "truly never been in a court where the personnel took such pride in the work they were doing to improve the building[. . . . so that] any additional resources made available to th[e] court would be maximized to the fullest."

However, examining the particulars of the Task Force's mission statement reveals a somewhat more mixed picture.

a. Public Accommodations

For the most part, there are safe, accessible and clean public accommodations. For example, 59% of the survey respondents who observed the physical condition of the restrooms across the State found them in very good or good condition. Nonetheless, there is room for improvement, such as in upgrading or installing and maintaining vending machines or food service facilities.

b. Private Conference Space

Adequate facilities by and large do not exist for lawyers to have private and confidential communications with their clients and each other. Forty-eight percent of survey respondents (76% of whom were lawyers) needed private conference space, but only 24% found it. Five-eighths of the survey respondents with an opinion rated the physical condition of the private conference space poor or very poor. Of the 429 written comments on private conference space, 49% related to its lack of availability.

c. Signage

There appears to be sufficient signage and personnel to assist people to their destinations and with questions. In Kings County Supreme Court, Criminal Term, there are signs at the entrance directing people in 29 different languages where to go to get help. In Bronx County Supreme Court, court officers provide directions to the public, and 30 out of 38 survey respondents found them to be courteous and helpful.

d. Lighting and Acoustics

There is sufficient lighting. More than 90% of those survey respondents with an opinion found lighting outside the courthouse to be good or very good. Eighty-eight percent of those survey respondents with an opinion found lighting inside the courthouse to be good or very good.

The availability of assisted listening devices is not well known. Fifty-six percent of judges and court personnel were aware of their availability, but 83% of the public and 80% of the attorneys were *not* aware of their availability. There appears to be a communications, not an equipment, problem that needs to be corrected.

e. Judges' and Court Personnel Facilities for Lunch, Conferences and the Like

Sixty percent of the judges and court personnel who responded to the survey said there was a conference room for judges to meet, and 71% were completely or somewhat satisfied with the conference facility. Forty-eight percent of the judges and court personnel who responded to the survey felt that there should be a cafeteria, but 41% felt that there should not be, and 54% felt that a cafeteria area just for judges was unnecessary.

f. Electronic Filing and File Management

There is a demand for electronic filing and electronic access to court files. Seventy-nine percent of attorneys, judges and court personnel with an opinion said that New York courts should use electronic filing, and 81% said that New York courts should have a system equivalent to the federal Pacer or ECF system to retrieve court files. These percentages were higher among attorneys than among judges and court personnel. It is noteworthy that 32% of all attorney respondents were solo practitioners, and 29% were in firms of two to five practitioners.

Out of the 165 survey respondents who were judges or court personnel, 19 provided written comments suggesting that there are inconsistencies in the case management systems between the courtroom and chambers, especially in the New York City courts.

g. Other Improvements

Improvements that could be made to the courthouses would be to provide wireless computer access to the Internet, which 90% of those who provided an opinion felt was important or very important, and document/video devices to display evidence, which 93% of those who provided an opinion felt was important or very important.

2. Recommendations

While some of the State's courthouses date from the nineteenth century, it is necessary to think and plan for courthouses for the twenty-first century and beyond. This requires at a minimum efforts to keep up with technological advances, complete accessibility for persons with disabilities, and space for conferences outside courtrooms. The Task Force recommends:

- **Maintenance/Repair:** Study and implementation by the Office of Court Administration of means to monitor, simplify and expedite maintenance and repair of courthouse facilities throughout the State;
- **Flexibility:** Flexibility in the use of existing courthouse space to meet the evolving needs of users;
- **Conference Space:** Reconfiguration of existing space, wherever feasible, to provide private conference space and planning for substantial private conference space in all future renovations and new construction;
- **Food Service:** Inclusion of food service in new or renovated courthouses and, where appropriate, the addition or upgrading of much of such services and vending machines in existing courthouses;
- **Accessibility:** Upgrading all facilities where necessary for, and including in all plans for renovation or construction, complete accessibility for persons with disabilities;
- **E-filing:** Electronic filing in all courts with electronic access to court filings in accordance with the recent NYSBA report on e-filing;
- **WiFi:** Wireless computer access to the Internet throughout all courthouses;
- **User Participation:** Involvement of local bar associations and court personnel in improvements in, and new construction of, courthouses;
- **Review of Courthouses:** Examination by those local bar associations and courts that have not been covered by this report of the conditions surveyed by the Task Force to determine what, if anything, requires correction; and
- **Special Committee:** Creation of a Special Committee of the New York State Bar Association to encourage, support and report in three years on changes in the conditions highlighted in this report.

One of the strengths, as well as one of the weaknesses, of the operation and improvement of courthouses across the State is that they are under local control. While statewide standards and policies are issued by the Chief Administrator of the Courts, implementation must be performed through local government and court administration within a system of accountability. Task Force members have heard several times that the County or City is the landlord and the courts are merely tenants. Such an adversarial attitude may foster an unhelpful lack of communication and responsiveness regarding maintenance and repair problems and may result in imperfect renovations or new construction without sufficient input from eventual users. The recent experience with the renovation of the Albany County Supreme Court teaches the importance of planning, the need to involve all stakeholders, and the possible advantages of shutting down a facility rather than attempting to operate it during a renovation.

The Task Force recognizes the dramatic change in economic conditions since it was appointed. Nonetheless, improvement and maintenance of the conditions in one of the three pillars on which our democratic government rests cannot and should not be ignored. Flexibility in the use of existing space with creative solutions and work-arounds without large expenditures should be pursued, especially to ameliorate some of the conditions described in this report. Value engineering may be short-sighted and should seldom be used. Involvement by local bar associations should be regularized

and encouraged. An example is the furnishing of the attorney lounge in the courthouse for the Onondaga County Supreme and Surrogate's Courts provided by the Onondaga Bar Foundation.

However, municipalities must shoulder their responsibilities as well. For example, the City of New York, which is responsible for the operation and improvement of courthouses within its five boroughs, should revisit its 1989 plans to determine whether they are still appropriate for the present and the future in light of the demographic changes and evolution in courthouse uses that have occurred in the last 20 years. The City's recent track record in constructing new facilities is mixed – the Kings County Supreme Court, Criminal Term, is superb; the Bronx County Criminal Court has fallen far short of what a new courthouse should be. The City has broken ground for construction of a new courthouse in Richmond County that many fear will be too little too late, and one can only hope for the best in the recently commenced renovation of the Bronx County Family Court. The City's plan to build temporary facilities at a cost of \$16 million into which it will move the courts currently at the Homeport while the new Richmond County courthouse is under construction may not make sense. Further, the Department of Citywide Administrative Services has a spotty record in maintaining and repairing the existing courthouses, resulting in some praise and many complaints. A thorough review of the City of New York's management of and plans for the New York State courthouses within its jurisdiction involving all interested parties, including local court personnel and bar associations, as well as the Office of Court Administration, is warranted.

The Task Force has found some conditions that should be improved or corrected, including that additional focus be placed on courthouse-accessibility issues, notably for persons with disabilities. We therefore urge the State Bar Association to create a Special Committee to engage in a dialogue with the courts, local bar associations, municipalities and OCA and to collaborate with the Fund for Modern Courts to follow up the recommendations in this report. The Special Committee should have at least one representative with some measure of expertise in issues concerning design, construction, and accommodation for persons with disabilities. We particularly note that OCA is undertaking a study of access to New York State court facilities and services for persons with disabilities, and the Special Committee should work with OCA, local bar associations and groups that serve persons with disabilities so that the OCA report reflects input from the bar and the public. The Special Committee itself should be asked to report back to the State Bar Association in three years on the progress that has been made in implementing the recommendations in this report.

Courts are fundamental to our democracy and are the locales for some of the most important events in many people's lives. The Task Force recommends a renewal of the commitment by State and local government involving all interested stakeholders to maintain and improve to modern standards courthouses across the State.

II. Project Background

A. Summary of Statutory Rules and Jurisdictional Issues

1. Pre-Unified Court System

The task of maintaining New York's court facilities and operations had historically fallen to local governments, with little exception. Prior to 1977, the State of New York was responsible only for paying the salaries of Supreme Court justices and appellate judges, and their immediate staffs of law secretaries and clerks. All other costs – including the salaries of all other judges and legal staff, logistical and support staff, and non-personnel operating, maintenance, and building costs – were handled by individual city and county governments.

2. Creation of the Unified Court System

The Legislature's 1977 enactment of the Unified Court Budget Act (N.Y. Judiciary Law § 39) radically changed the dynamic between state and local authorities in court facility administration. Over the course of four years, the state assumed the burden of paying the salaries and benefits of all city and county level judges, the salaries and benefits of legal and logistical staff, and non-personnel service costs of court support functions. This was all grouped under the umbrella authority of a new Chief Administrator of the Courts, who became the executive in charge of all "regulations, rules, orders and directives for the efficient and orderly transaction of business in the trial courts or the administrative office for the courts." (Constitutional Amendment of 1977)

Additionally, the new Unified Court System instituted a set of "Statewide standards and administrative policies after consulting with the Administrative Board of the Courts and approval by the Court of Appeals." Part 34 of the Rules of the Chief Judge concerns courthouse facilities, with guidelines touching on everything from the minimum size of jury boxes to the maintenance schedules of bathrooms. (See Sections 34.0 and 34.1 of the Rules of the Chief Judge included in Appendix I)

The State's assumption of these costs came with the understanding that city and county governments would remain responsible for court facilities, including maintenance, operations, renovations, and replacement. If any local government failed to be accountable for these responsibilities, the Chief Administrator was entitled to penalize the locality by instructing the State Comptroller to withhold State aid for any purpose in the amount of the locality's failure to fund the courts.

3. Enactment of the Court Facilities Act

In the decade following the creation of the Unified Court System, for any number of reasons, several localities failed to properly fund their assigned portion of court administration and maintenance. The Legislature responded with the enactment of the Court Facilities Act of 1987 (c. 825, Laws of 1987), which both reaffirmed the responsibilities of localities to fund court maintenance and established several provisions to assist delinquent localities.

For localities struggling to meet their maintenance obligations, the Act created a State Court Facilities Capital Review Board to help local governments plan for the needs of their court facilities. Additional state aid was given in the form of variable subsidies for operational costs.

To help localities finance much needed court facility renovation and replacement, the New York Dormitory Authority, the state agency responsible for providing finance and construction services for public and non-profit institutions, was given authority to finance improvements in court facilities and an interest subsidy was created on money borrowed for that purpose.

These new programs were financed by the creation of the Court Facilities Incentive Aid Fund, a special revenue fund under the control of the Chief Administrator and financed by several new State fees and fee increases. (c. 825, Laws of 1987)

4. Amendments to the Court Facilities Act

Since 1987, the Court Facilities Act has been amended several times. In 1994, management and supervision costs associated with the use of workfare programs to clean courthouses were made available. (c. 301, Laws of 1994) Also that same year, restrictions on the ability of localities to borrow money were significantly relaxed, granting local governments greater freedom in issuing debt for all capital purposes, such as courthouse maintenance. (c. 201, Laws of 1994)

In 1995, the State assumed responsibility for reimbursing localities for approved expenses relating to the replacement and maintenance of Appellate Division facilities. (c. 687, Laws of 1995)

In 1996, the State assumed responsibility for reimbursing localities for approved expenses relating to the cleaning and minor repair of all court facilities. (c. 686, Laws of 1996)

In 2007, the State assumed responsibility for reimbursing localities for approved expenses relating to creation of chambers facilities for Court of Appeals judges. (c. 448, Laws of 2007)

B. Previous Studies & Implementation

1. Survey of Court Facilities in New York State 1981 by the Office of Court Administration and the Chief Judge's Court Facilities Task Force.

This survey was conducted over a five-year period by visiting every courthouse in the State and by evaluating collected drawings and information on a pre-drawn survey questionnaire. Uniformity was achieved by using minimum area standards for every court function.

The survey showed that State courts (Town and Village courts were not included in the survey) occupied 8.27 million gross square feet of space in 299 separate buildings throughout the State. These buildings were of different ages and were owned by the State or counties or cities or leased from private owners.

The findings showed that 110 out of 299 separate buildings had major inadequacies that affected 4.83 million gross square feet. This major finding formed the basis for the Court Facilities Act of 1987.

2. Special Committee on Public Trust and Confidence in the Legal System

While the previously mentioned report from the NYSBA Special Committee on Public Trust and Confidence in the Legal Profession touched on many issues, an important topic was the problems facing the State's court facilities. The Special Committee strongly endorsed the proposals for "adequate funding to provide and maintain court facilities that promote public respect in the justice system," set forth in the May 1999 Report of Chief Judge Judith S. Kaye's Committee to Promote Public Trust and Confidence in the Legal System. Among the proposals were:

- i. Formulate a budget and a strategic plan, both short-term and long-term, to develop resources to assure development and maintenance of dignified facilities that promote respect.
- ii. Carefully monitor the cleaning requirements set forth in the Rules of the Chief Judge Section 34.1 and Appendix thereto to provide decent, clean, safe and accessible court facilities.
- iii. Increase the number of magnetometers and the size of courthouse foyers, where possible, so people are not left waiting to gain entry to the courthouse.
- iv. Establish areas where attorneys and clients can speak privately.

- v. Establish separate waiting areas for victims and alleged perpetrators and their families.
 - vi. Make available food and beverages either through vending machines or a courthouse cafeteria.
 - vii. Seek information through questionnaires from court users and court personnel regarding the adequacies and deficiencies of court facilities and their ideas for improvement.
 - viii. Initiate community projects to “spruce up” the courthouse or its grounds.
- (State Committee Report, Section B(3)(d)).

3. *The Fund for Modern Courts*

The nonprofit Fund for Modern Courts has been active in the cause of improving New York’s courthouses for over 54 years. Central to its analysis of courthouse facilities has been its stable of volunteer Citizen Court Monitors. Monitors are average citizens without legal experience who were asked to provide a neutral, outside perspective on the operations and maintenance of court facilities. The monitors have published several studies over the last decade, including evaluations of courts in Albany, Chautauqua, Dutchess, Kings, Monroe, Nassau, New York, Saratoga, Schenectady and Suffolk Counties. Copies of these studies are included in Appendices A-2 to A-18.

In late 2001, the Fund for Modern Courts expressed an interest in undertaking a statewide, comprehensive study of courthouse facilities. However, the final project focused instead on a number of specific courthouses in New York State.

4. *The New York County Lawyers’ Association (NYCLA)*

In a 1992 report, updated in 1999, the New York County Lawyers’ Association assessed the “Worst Conditions in Each State Courthouse in New York County,” a copy of which is included in Appendix A-19. NYCLA members surveyed the conditions in ten of Manhattan’s state court facilities, listing specific areas of concern, such as the wheelchair-access door at 60 Centre Street, ceiling water leaks at 31 Chambers Street, faulty elevators at 60 Lafayette Street, etc.

III. Research Objective and Methodology of Surveys

A. Research Objective

The specific objective of the surveys was to assist the Task Force in collecting descriptive data on the seven areas described in the Mission Statement on more than 350 New York State courthouses, for the Task Force’s use in evaluating current conditions in the courthouses.

B. Sampling

Attorneys: The survey of attorneys was conducted via e-mail through a message that invited recipients to complete an on-line survey. For Kings, Nassau, New York, Queens, Suffolk and Westchester counties, 5,000 e-mail addresses for attorneys in each locale were randomly selected from NYSBA’s data base. All attorneys for whom NYSBA had e-mail addresses in the remaining New York State counties were also added to the e-mail list for the survey, as there were fewer than 5,000 e-mail addresses for attorneys in each of those counties. A total of 36,198 attorneys were sent an e-mail requesting completion of the survey on October 22, 2008, and again on November 4, 2008. Because no responses from Hamilton and Herkimer counties were received as a result of these first

two e-mailings, a regular mail and e-mail follow-up effort was sent to attorneys in those counties on November 20, 2008.

Public: Dennis Hawkins, Executive Director of the Fund for Modern Courts, volunteered to have his intern staff distribute the public version of the surveys to a total of 10 locations in Westchester, New York, Queens, Kings, and Bronx counties. Five hundred surveys were mailed to Mr. Hawkins for this purpose on November 4, 2008. Additionally, on December 4, 2008, ten of the Court’s District Administrative Offices were each mailed approximately 70 public-oriented printed questionnaires with a reply card they could use to request more copies. The addresses for the district representatives were provided by OCA. Schenectady County requested an additional 50 copies of the public survey. Nassau County collected and returned all public surveys sent to them.

Judges: OCA submitted approximately 1,400 labels for use in mailing a printed copy of the survey to each New York State judge. The questionnaires were mailed to these judges on November 7, 2008. Judge Rachel Kretser from Albany City Court, Criminal Division, in Albany also requested several additional copies and distributed them to staff and attorneys at that court. Judge Andrea Masley, Bronx Family Court Judge, also requested and distributed surveys to personnel in the courthouse where she presides.

Court personnel: A link to the on-line survey for court personnel, www.nysba.org/CHSurvey, was shared with OCA, which was asked to forward that link to court staff throughout the state (exclusive of judges).

C. Data Collection

The survey responses mostly sought subjective evaluations of conditions, such as whether a condition was very good, good, poor or very poor, or whether a respondent was completely satisfied, somewhat satisfied, not very satisfied or not at all satisfied. Data was collected using both an on-line version and a printed version of the survey. There were three versions of the survey adapted to the following groups: (1) attorneys; (2) judges and court personnel; and (3) jurors and others.

As of January 21, 2009 a combined total of 1,805 responses had been received:

Responses by:	Count	Percent
Case/Social worker	8	0.4%
Court personnel	49	2.7%
Family member	17	0.9%
Judge	116	6.4%
Juror	163	9.0%
Lawyer	1,371	76.0%
Litigant	24	1.3%
Paralegal	7	0.4%
Witness	9	0.5%
Other (please specify)	41	2.3%
TOTAL	1,805	100.0%

When broken down by individual courthouse location, the survey data should mostly be viewed as descriptive only, since the quantity of responses per individual location is typically ten or less. However, according to a standard text on business statistics,¹ where 30 or more responses were received, the results can be considered statistically significant. Below is a cross-tabulation of the number of surveys by county and type of court.

County	Court Type									Total
	Supreme (civil or criminal)	County	Surrogate's (trust and estates)	Family	Claims	District	NYC Civil	City	Matrimonial	
Albany	37	7	3	4	0	0	0	9	1	61
Allegany	4	1	0	4	0	0	0	0	0	9
Bronx	56	0	5	16	0	0	13	0	0	90
Broome	12	11	3	5	0	0	0	0	0	32
Cattaraugus	4	2	1	3	0	0	0	1	0	11
Cayuga	4	0	0	0	0	0	0	3	0	7
Chautauqua	1	6	2	6	0	0	0	3	0	18
Chemung	1	2	0	8	0	0	0	3	0	14
Chenango	2	1	0	0	0	0	0	0	0	3
Clinton	3	2	0	1	0	0	0	0	0	6
Columbia	3	5	1	5	0	0	0	3	0	17
Cortland	0	3	1	2	0	0	0	0	0	6
Delaware	1	0	0	4	0	0	0	0	0	5
Dutchess	7	1	2	8	0	0	0	2	0	20
Erie	48	3	10	17	0	0	0	5	1	85
Essex	0	0	2	1	0	0	0	0	0	3
Franklin	0	0	0	1	0	0	0	0	0	1
Fulton	3	1	1	2	0	0	0	1	0	8
Genesee	0	0	0	1	0	0	0	0	0	1
Greene	8	3	0	2	0	0	0	0	0	13
Hamilton	0	0	0	1	0	0	0	0	0	1
Herkimer	2	0	0	0	0	0	0	0	0	2
Jefferson	2	2	2	3	0	0	0	0	0	9
Kings (Brooklyn)	83	0	5	8	0	0	0	2	1	99
Lewis	0	1	0	0	0	0	0	1	0	2
Livingston	2	0	1	0	0	0	0	0	0	3
Madison	0	1	0	3	0	0	0	0	0	4
Monroe	39	3	13	21	0	0	0	8	2	86
Montgomery	3	0	1	6	0	0	0	1	0	11
Nassau	133	12	11	24	0	19	0	1	6	206
New York (Manhattan)	144	0	12	2	0	0	51	6	1	217

1. Mark L. Berenson, David M. Levine, Basic Business Statistics: Concepts and Applications (Prentice-Hall, 1986), Third Edition, page 282: "Statisticians have found that for most population distributions, once the sample size is at least 30, the sampling distribution of the mean will be approximately normal."

County	Supreme (civil or criminal)	County	Surrogate's (trust and estates)	Family	Claims	District	NYC Civil	City	Matrimonial	Total
Niagara	7	1	2	2	0	0	0	4	0	16
Oneida	7	5	2	5	0	0	0	1	1	21
Onondaga	38	5	3	13	0	0	0	9	2	70
Ontario	3	1	0	5	0	0	0	3	1	14
Orange	18	3	2	8	0	0	0	3	0	34
Orleans	1	1	0	1	0	0	0	0	0	3
Oswego	0	3	0	1	0	0	0	0	0	4
Otsego	2	1	0	1	0	0	0	0	0	4
Putnam	4	0	0	1	0	0	0	0	1	6
Queens	77	3	12	8	0	0	21	1	0	122
Rensselaer	6	3	2	5	0	0	0	3	0	19
Richmond (Staten Island)	14	0	0	7	0	0	0	2	0	23
Rockland	9	0	4	5	0	0	0	0	0	18
Saratoga	9	1	2	7	0	0	0	2	0	21
Schenectady	10	10	8	8	0	0	0	9	0	45
Schoharie	1	0	0	1	0	0	0	0	0	2
Schuyler	1	0	0	2	0	0	0	0	0	3
Seneca	1	3	0	2	0	0	0	0	0	6
St Lawrence	2	6	1	1	0	0	0	0	0	10
Steuben	1	0	0	3	0	0	0	0	0	4
Suffolk	72	2	6	8	0	20	0	2	3	113
Sullivan	4	2	1	1	0	0	0	0	0	8
Tioga	0	0	0	2	0	0	0	0	0	2
Tompkins	3	2	1	5	0	0	0	0	0	11
Ulster	6	2	1	7	0	0	0	2	0	18
Warren	17	2	0	6	0	0	0	0	0	25
Washington	1	0	1	1	0	0	0	1	0	4
Wayne	0	1	1	3	0	0	0	0	0	5
Westchester	60	6	22	10	0	0	0	4	3	105
Wyoming	2	0	0	0	0	0	0	0	0	2
Yates	0	0	0	1	0	0	0	0	0	1
Other	2	0	0	0	0	1	0	1	0	4
Total	977	133	147	288	3	41	85	96	23	1,793

IV. Summary of Study Findings

A. All Combined Responses

This survey was presented electronically online as well as in print. In the electronic version of the survey, depending upon how respondents answered question one about their role and question six about the physical conditions of public building facilities, respondents were guided to particular questions for areas they observed, skipping other questions that were not relevant. There were also three versions of the print survey targeted to ask (i) attorneys, (ii) judges and court staff, as well as

(iii) jurors and the public those questions that were relevant to each particular audience. The portion of the survey that asked about different rooms or areas of the building had instructions to skip certain sections if those areas were not observed. Only judges and court personnel were asked specific questions about areas to which only staff had access and their use. Attorneys, judges and court personnel were the only respondents asked questions about e-filing. In addition, only attorneys were asked the demographic question about the size of their law firm. Jurors and the public were not asked e-filing questions nor questions about areas to which only court employees had access.

A total of 1,805 responses were received: 1,371 from lawyers, 163 from jurors, 116 from judges, 49 from court personnel and 106 from six other groups. The responses are tabulated in Appendices E and F. Not surprisingly, since a large group of attorneys was targeted, 76% of survey respondents were attorneys. Out of 1,805 responses, 1,105 did not observe a jury assembly room, 1,247 did not observe a jury deliberation room, 1,042 did not observe a law library, 1,145 did not observe a food service area, 915 did not observe a refreshment/vending machine area, and 1,410 did not observe children center facilities. In many instances, there was a significant number of respondents who selected don't know, not observed, or no opinion. When these responses are recorded, the calculations contained in this summary reflect only the positive and negative responses, disregarding the responses of don't know, not observed, or no opinion, unless otherwise indicated. The responses are shown in Appendix E-2. A breakdown of the responses by the type of courthouse visited is shown in Appendix G.

Overall, the combined feedback regarding courthouse facilities is mainly positive. Most of the areas in the courthouses received favorable ratings including: courtrooms, lobby/hallways, jury assembly rooms, jury deliberation rooms, offices of the court clerk or commissioner of jurors, law libraries, accessibility for persons with disabilities, elevators, bathrooms and waiting rooms. Positive feedback was also received about staff in various areas of the building, lighting, sound, directions, and information access. When asked to rank the importance of six different technologies in the courthouse, the top three devices were: wireless access to the Internet, document/video devices to display evidence and monitors that can be used for presentations.

Several areas that received more negative rankings than positive included: children center facilities, private conference space, refreshment/vending machine and food service areas. However, the comments for children centers are very close to being half negative and half positive. The percentages for negative responses (not very and not at all satisfied) concerning the children center facilities are as follows: 56% for the number of staff, 53% for the competency of all staff, 52% for overall care, 50% for hours available, and 49% for cleanliness. Written comments on the private conference space focused mainly on having such space available and increasing awareness that such space exists. Food selection in both the food service and refreshment/vending machine areas received the most negative ratings. An additional area for improvement would be in the area of electronic filing. Results for answers to e-filing questions reveal that 81% felt that New York State should have a system in place. Ninety-one percent have not used e-filing in a New York State court.

Background (questions 1–5):

All respondents were first asked in what capacity they visited the courthouse: 76% were lawyers, 9% jurors, 6% judges, and 3% court personnel. Fifty-four percent visited Supreme Courts (civil or criminal) followed by 16% Family Courts, 8% Surrogate's Courts, 8% County Courts and smaller percentages for other types of courts. All counties were covered; however, more than 30 responses (the minimum necessary for statistical significance) were received only from the following counties: Albany, Bronx, Broome, Erie, Kings, Monroe, Nassau, New York, Onondaga, Orange, Queens,

Schenectady, Suffolk and Westchester. Seventy-two percent of respondents indicated they had visited the particular courthouse about which they were reporting six or more times.

Demographics (questions 72–76):

Fifty-eight percent of respondents were male, 42% female. The ethnicity break-out is very close to what is in the New York State Bar Association's member database: 88% White/Caucasian, 4% Asian/Pacific Islander, 3% Black/African American, 2% Hispanic, and less than 1% Native American. The age range of respondents was spread out: 0.7% ages 24 and under, 17% ages 25 to 35, 22% ages 36 to 45, 28% ages 46 to 55, 26% ages 56 to 65, and 7% ages 66 and over. Approximately 52% of responses came from downstate New York (Westchester and Rockland Counties and south).

Public Building Facilities (questions 6–16):

Those respondents who observed the public areas in courthouses across the State gave positive ratings (very good or good) to the physical condition of: courtroom (84%), lobby/hallway (82%), jury assembly room (79%), office of court clerk/commissioner of jurors (75%), law library (73%), jury deliberation room (71%), accessibility for persons with disabilities (64%), elevators (59%), restrooms (59%), and waiting room (52%). However, in the New York City Civil Court courthouses, the physical condition of the elevators was rated as poor or very poor by 61% of the respondents who visited those courthouses, and the restrooms were rated as poor or very poor by 69%. The following areas across the whole State received negative ratings (poor and very poor): children center facilities (57%), private conference space (63%), refreshment/vending machine area (69%), and food service (78%). However, more than half of the respondents had not observed the following areas: jury assembly room, jury deliberation room, law library, food service area, refreshments/vending machine area, and children center facilities.

More than 85% of all respondents with an opinion agreed that security officers were courteous, efficient and clearly explained procedures. Ninety percent of the respondents waited less than five minutes to go through lobby security. Seventy-nine percent of the respondents arrived at the courthouse before 10 a.m.

The courtroom or office respondents were looking for was either very easy (48%) or easy (31%) to find. Forty-six percent of the respondents indicated there were directional signs present, although the percentage was higher (60%) in County Court courthouses; 32% said there were not; and 23% did not know. Thirty-seven percent of respondents did not feel signs in other languages would be helpful versus 30% who thought they would, and 33% who did not know. For those who thought signs would be helpful, the language most commonly mentioned was Spanish.

Those respondents who noticed public amenities found that water dispensers (60%) and public telephones (68%) were available and that copy machines (54%) and fax machines (92%) were not. However, 75% of those respondents who reported on the New York City Civil Courts found that water dispensers were *not* available. On the other hand, 68% of those respondents who reported on the New York City Civil Courts said that copying machines were available. It should also be noted that 60% of those respondents who noticed and who visited City Courts indicated there were no public telephones available.

Forty-eight percent indicated a need for a private conference space, but only 24% found that it was available. Eighty-three percent of Family Court visitors, 83% of Matrimonial Court visitors, and 58% of New York City Civil Court visitors said private conference space to have confidential communications was needed. However, 71% of Surrogate's Court visitors, 65% of County Court

visitors, 61% of Supreme Court visitors, and 55% of District Court visitors said private conference space was not needed.

Courtroom (questions 17–18):

Respondents found courtroom staff to be courteous (86%) and efficient (84%) and to have clearly explained procedures (81%). The exception was in the New York City Civil Court where respondents were equally divided between positive and negative views on the staff being efficient (49% to 51%) and explaining the necessary procedures (51% to 49%). When asked to rank their satisfaction with a list of courtroom attributes, the percentage of those who had an opinion who were either completely or somewhat satisfied were: 87% with lighting, 85% lack of distractions, 84% seating, 80% for the condition of furniture, 78% temperature, and 73% ventilation. There were numerous respondents who indicated they had no opinion regarding the coat area (507) and accessibility for persons with disabilities (845). Seventy percent of the respondents who shared an opinion about accessibility indicated they were either completely or somewhat satisfied. Sixty-five percent of the respondents who had an opinion about the coat area were either not very or not at all satisfied, which was highest for the New York City Civil Courts where 89% of those with an opinion were not very or not at all satisfied.

Jury Assembly Room (questions 19–20):

The jury assembly room staff received favorable rankings. They were found to be courteous (95%) and efficient (95%) and to have clearly explained procedures (93%). The following conditions, when there was an opinion, received mainly positive (completely or somewhat satisfied) rankings: adequacy of lighting (90%), amount of seating (88%), lack of outside distractions (87%), condition of furniture (83%), ventilation (79%), temperature (78%), accessibility for persons with disabilities (75%), and the coat area (60%). Only Internet availability was rated either not very or not at all satisfactory by 51% of those who had an opinion to share.

Jury Deliberation Room (question 21):

Approximately one-sixth of all respondents had an opinion regarding the condition of the jury deliberation rooms. Those who had an opinion rated the following as either completely or somewhat satisfactory: adequacy of lighting (87%), lack of outside distractions (84%), amount of seating (82%), condition of furniture (73%), temperature (71%), ventilation (70%), accessibility for persons with disabilities (68%), and the coat area (63%). However, the jury deliberation rooms in City Courts received less favorable ratings for the condition of the furniture (52%) and the coat area (83%).

Law Library (questions 22–23):

Less than one-third of all respondents provided a response regarding the law libraries. The respondents who provided an opinion found that all staff were courteous (92%), all staff were efficient (91%), and staff clearly explained the necessary procedures (88%).

A majority of respondents with opinions about law library facilities were either completely or somewhat satisfied with: adequacy of lighting (86%), lack of outside distractions (86%), amount of seating (84%), temperature (83%), condition of furniture (80%), ventilation (80%), instructions on how to use (76%), accessibility for persons with disabilities (67%), access to Lexis/Westlaw (60%), and Internet availability (54%). Only the coat area was found to be either not very or not at all satisfactory by 53%.

Office of the Court Clerk/Commissioner of Jurors (question 24):

The respondents who had an opinion about the office agreed or strongly agreed with the following statements: all staff were courteous (87%), staff clearly explained the necessary procedures (86%), the room was easy to find (85%), all staff were efficient (85%), there were adequate personnel to answer questions (83%), and staff was available to interpret for those who did not speak English (59%).

Food Service (question 25):

The majority of respondents who had an opinion were not very or not at all satisfied with the following food service amenities: condition of furniture (79%), food selections (78%), amount of seating (75%), beverage selections (68%), cleanliness of area (65%), and speed of service (64%).

Refreshment/Vending Machine Area (question 26):

When observed, the following amenities were found to be either not very or not at all satisfactory: food selection (74%), vending machines (61%), beverage selection (60%), and cleanliness of area (50%).

Restroom Facilities (question 27):

The responses concerning restroom facilities from 85% of survey respondents were mostly positive. The following, when observed, were either completely or somewhat satisfactory: availability of access (85%), convenient location (81%), easy to find (79%), number of toilets/urinals (75%), number of restrooms (73%), cleanliness (68%), and accessibility for persons with disabilities (61%). However, 63% of New York City Civil Court visitors were not very or not at all satisfied with the cleanliness of the restrooms. Only the diaper changing table was found to be not very or not at all satisfactory across the State by 71% of a much smaller sample of 458 respondents with an opinion.

Children Center (question 28):

Children centers are in less than half of the courthouses across the State. Consequently, less than 12% of the survey respondents provided a response regarding a children center. When those who responded are broken down by the type of court on which they reported, the children centers in Family Courts fared much better than those in Supreme, Surrogate's or County Courts. When asked about the overall care in the children center, 68% of 94 Family Court visitors with an opinion were completely or somewhat satisfied, whereas 73% of 49 Supreme Court visitors, 75% of eight Surrogate's Court visitors, and 71% of 14 County Court visitors with an opinion were not very or not at all satisfied. Similar results were found for the competency of staff in the children center (70% positive for Family Court, 78% negative for Supreme Court, 86% negative for Surrogate's Court, and 73% negative for County Court); the number of staff (64% positive for Family Court, 80% negative for Supreme Court, 83% negative for Surrogate's Court, and 73% negative for County Court); the cleanliness of the children center (72% positive for Family Court, 76% negative for Supreme Court, 60% negative for Surrogate's Court, and 67% negative for County Court); and the hours the children center was available (68% positive for Family Court, 74% negative for Supreme Court, 67% negative for Surrogate's Court, and 67% negative for County Court).

Private Conference Space (questions 29–30):

The respondents who expressed an opinion were either not very or not at all satisfied with: printer availability (95%), computer terminal availability (94%), fax machine availability (94%), internet availability (89%), landline telephone availability (81%), the coat area (78%), sound proofing (63%), amount of seating (62%), accessibility to persons with disabilities (56%), privacy (56%), the condition of the furniture (54%), ventilation (53%), and availability of a mobile device signal (53%). Although overall 58% of respondents were not very or not at all satisfied with the ease of finding

private conference space, 53% of Family Court visitors and 56% of County Court visitors were completely or somewhat satisfied with the ease of finding private conference space. Both the lack of outside distractions (50%) and court personnel availability for assistance (50%) had an equal amount of negative and positive levels of satisfaction. Only fifty-five percent were either completely or somewhat satisfied with temperature, while forty-five percent were not. Respondents were asked to provide suggestions on how to improve the private conference space. Numerous (429) text responses were provided. While text responses are not generally quantifiable, many written responses addressed making private space available and increasing awareness that such space exists. At least 49% of the text responses related to the lack of private conference space being currently available.

Accessibility for Persons with Disabilities (question 31):

Accessibility is a broad concept, including learning the needs of those with disabilities and providing adequate facilities and information so that they have full access to court facilities and services. Approximately 60% of all respondents had either not observed or had no opinion regarding accessibility for persons with disabilities to the courthouse. However, of the respondents who did express an opinion about accessibility for persons with disabilities, the following percentages found the following conditions to be either completely or somewhat satisfactory: elevator (76%), room to move about (74%), entrance (72%), tables (67%), doors (64%), and counters (56%). Water fountains were found by 51% to be not very or not at all satisfactory.

Lighting Conditions-Court Interior (questions 32–34):

The visibility due to lighting inside the courthouse, as well as the feeling of security due to lighting, was found by more than 88% of the respondents who answered these questions to be either very good or good. More than 95% indicated there were no locations within the courthouse where lack of lighting caused them to feel unsafe. For the 4.2% that indicated there were areas where lack of lighting caused them to feel unsafe, the handwritten text responses seemed to reference mostly stairwells and hallways, with two comments regarding parking areas.

Sound: Court Interior (questions 35–40):

More than 92% of the survey respondents claimed not to have difficulty hearing clearly in large, crowded places. About 16% of all respondents answered questions about assisted listening devices. Eighty-four percent of this more limited sample answered that they were not aware assisted listening devices were available; 96% did not use these devices; and 93% indicated the devices, if used, did not help them hear better. When asked if they were able to hear the public address system: 62% of all respondents did not know, 24% said yes, and 14% said no. When inside a courtroom, including those who had no opinion, respondents were able to hear in the following percentages: 85% the voice commands of the court personnel; 83% the judge talking to the respondents; 72% the judge talking to the lawyers; and 67% the lawyers talking to the judge. The problem is most acute in the New York City Courts, where 51% of the respondents could not hear the lawyers talking to the judge and only 57% could hear the judge talking to the lawyers. Eighty-six percent indicated there were no locations where they found it especially difficult to hear. Two hundred thirty-six responses described areas where it was difficult to hear. At least 55% of those text responses addressed the courtroom, and at least 20% mentioned either the stairwells or hallways.

Directions to the Courthouse (questions 41–43):

Only 4% of the respondents called the court to get directions. Fourteen percent used the Internet to get directions, most often for the District Courts (30%) and the New York City Civil Courts (26%). Disregarding the responses of no opinion, the majority of respondents agreed: the courthouse was easy to find (96%); directions to the courthouse found on the Internet were accurate (93%); it was easy to arrange transportation to the courthouse (89%); telephonic directions to the courthouse were

accurate (88%); and the entrance to the courthouse was clearly marked (76%). Across the state, those who expressed an opinion found parking was available for persons with disabilities (67%) and public parking was available near the courthouse (66%).

Lighting Conditions: Court Exterior (question 44):

Of those who expressed an opinion (more than 58% of the sample), more than 90% found the visibility provided by lighting outside the courthouse and the feeling of security due to adequacy of lighting were either very good or good.

Technology (questions 45-47):

When asked which of three devices they used in the courthouse: 69% used cell phones, 28% PDAs and 14% computers. The majority of respondents who provided an opinion indicated: there was clear cell phone reception in the courthouse (76%), and they were able to connect to the Internet (51%). When asked to rank the importance of six different technologies, the majority of respondents with an opinion found the following very important or important: document/video devices to display evidence (93%), wireless computer access to the Internet (90%), monitors for courtroom participants to which a computer can be connected for presentations (88%), assisted listening systems (87%), video conferencing systems (82%), and touch screen displays (68%).

Information Access (questions 55-58):

When asked to rate the system for informing people that a courthouse is closed for the day 42% did not know, 31% said either very good or good, and 27% said poor or very poor. However, of the respondents who reported on the New York City Civil Courts, 52% did not know, 14% said either very poor or good, and 34% said poor or very poor. Eighty-four percent of all respondents have used the New York State court Web site (although only 59% of County Court respondents), and 81% of those indicated that the information for which they were looking was easily found.

E-Filing (questions 59-64):

Attorneys, judges and court personnel were asked several electronic filing questions. Although 35% of all these respondents had electronically filed papers in courts other than New York State courts, 89% had not used electronic filing in New York courts. Of those who knew (a sample of 224 respondents), 62% did not find the New York State e-filing system easy to use. Similarly, of those who knew they had used both, 74% did not find the New York e-filing system as easy to use as the federal system. While only 16 respondents (less than two percent who answered) had tried to file sealed documents in a New York case, 67% of those with an opinion (543 respondents) did not have confidence that e-filed documents would be fully sealed from public view.

Twenty-four percent of the respondents who received these questions were aware that there was training to learn how to use the New York electronic filing system, of which about 27% had received training. Eighty percent of those who had received training found it completely or somewhat satisfactory.

Of those with an opinion other than don't know, 81% felt New York State courts should have a system equivalent to the federal ECF or Pacer systems. Seventy-nine percent indicated New York State courts should use electronic filing of papers, and indicated that the following courts should permit it: 42% all courts, 34% Appellate Division, 33% Supreme Court – Civil, 33% Court of Appeals, 26% Appellate Term, 24% Surrogate's Court, 19% Court of Claims, 19% Family Court, 18% Supreme Court – Criminal, 16% County Court, 16% New York City Civil Court, 15% District Court, 15% City Court, and 12% Justice Court. It is interesting that a higher percentage than the

average of respondents who reported on a particular court felt that electronic filing should be used in that court.

Summary (questions 48–54):

The overall level of satisfaction with the courthouse facilities and with the quality of services provided by court personnel was positive. Seventy-nine percent were either completely (28%) or somewhat (51%) satisfied with the facilities, and 91% were either completely (54%) or somewhat (37%) satisfied with the quality of service provided by court personnel. However, a substantially lower level of satisfaction was found in the New York City Civil Courts: only 62% were completely or somewhat satisfied with the court facilities, and only 69% were completely or somewhat satisfied with the quality of service provided by court personnel.

A total of 872 text responses were received when asked to list which courthouse was the best: 11% of those referenced Suffolk County, 7% referenced Westchester, 7% referenced Nassau, and 6% referenced Queens. When asked why, 774 text responses were given: 30% referenced new or modern, 27% referenced cleanliness, 9% referenced parking, and 6% referenced efficiency.

When asked about the worst courthouses, the following counties were referenced: 12% Queens, 11% Bronx, 11% Kings, 7% Nassau, and 5% Albany. Among the 741 text responses for why, the following categories were referenced: 16% crowded space, 14% old and dated, 14% elevator/escalator, 13% facilities or amenities, 12% dirty, and 11% parking.

The request for comments or suggestions for improving court facilities or the quality of services was skipped by approximately 70% of respondents; however, 549 responses were collected. Categories of responses include: 12% space, room or area; 9% update or old; 9% parking; 9% employee or personnel; 8% clean or dirty; and 7% elevator.

B. Attorney Responses

Seventy-six percent (1,371) of the total respondents indicated they most recently visited a courthouse in the capacity of a lawyer. The responses for this group are shown in Appendix E-3. The summary below reviews instances where the responses of attorneys differ significantly from two other groups: judges and court personnel, or jurors and the public.

Background (questions 1–5):

While 95% of judges and court staff have visited ‘this’ courthouse six or more times, in comparison 78% of attorneys had visited six or more times, and 17% had visited two to five times (question 5).

Demographics (questions 72–76):

Attorney responses came mostly from lawyers in small firms: 32% in solo firms of one attorney, 29% in firms of 2–5, 9% in firms of 6–9, 9% in firms of 10–19, 10% in firms of 20–49, 5% in firms of 50–99 and 7% in firms of 100 or more (question 76).

Public Building Facilities (questions 6–16):

Many attorneys (77%) had not observed the physical condition of the jury deliberation room. Fifty-seven percent of attorneys had not observed the physical condition of the law library. Compared to the other two groups, attorneys were less likely to find that there were signs that provided directions (35% attorneys vs. 23% jurors and the public or 25% judges and court staff).

Attorneys were less likely to believe it would be helpful to have signs in other languages than judges and court staff or jurors and the public. For those who had an opinion: 42% of attorneys felt it would be helpful versus 52% of judges and court staff and 55% of the public.

Of those who answered yes or no, attorneys were less likely to find water dispensers available (56%) than the public (74%).

Fifty-five percent of attorneys needed to have confidential communications between attorney and client or between attorneys, but 63% of attorneys who provided a positive or negative response said there was no private conference space available.

Courtroom (questions 17–18):

When they had an opinion about Internet availability, 85% of attorneys and 61% of judges and court staff were either not very or not at all satisfied with its availability in the courtroom, while 57% of the public were completely or somewhat satisfied.

Jury Assembly Room (questions 19–20):

While 50% or more of attorneys had no opinion about the jury assembly room staff, of those with an opinion, attorneys were less likely to strongly agree that assembly room staff were courteous, efficient and clearly explained the necessary procedures.

Law Library (questions 22–23):

While only 55% of attorneys were completely or somewhat satisfied with Internet availability in law libraries, 67% of judges and court staff were satisfied.

Only 55% of attorneys were completely or somewhat satisfied with Westlaw/Lexis availability; 78% of judges and court staff were satisfied.

Office of the Court Clerk/Commissioner of Jurors (question 24):

Compared to the judges and court staff, when there was an opinion, attorneys were less inclined to strongly agree or agree with the statements regarding this office including: the room was easy to find (83%); there was adequate personnel to answer questions (81%); all staff were courteous (85%); all staff were efficient (83%); staff was available to interpret for those who did not speak English (57%); and staff clearly explained the necessary procedures (84%).

Refreshment/Vending Machine Area (question 26):

When an opinion was given, attorneys were the least satisfied with all four aspects of the vending machine area: 78% were not very or not at all satisfied with the food selections, 68% were not satisfied with the vending machines, 66% were not satisfied with the beverage selections, and 56% were not satisfied with the cleanliness of the area.

Restroom Facilities (question 27):

Attorneys were more strongly inclined than other groups to be not very or not at all satisfied with the diaper changing table (77%).

Children Center (question 28):

Attorneys were not very or not at all satisfied with the children center facilities, whereas judges and court staff were completely or somewhat satisfied. Attorneys were unsatisfied (not very or not at all) with: cleanliness (52%), hours available (54%), number of staff (59%), competency of all staff (57%), and overall care (55%).

Private Conference Space (questions 29–30):

For those who expressed an opinion about private conference space, attorneys were more negative (not very and not at all satisfied) than judges and court staff with: printer availability (96% vs. 89%), computer terminal availability (95% vs. 87%), fax machine availability (95% vs. 89%), Internet availability (91% vs. 81%), landline telephone availability (83% vs. 72%), the coat area (80% vs. 68%), sound proofing (65% vs. 49%), amount of seating (63% vs. 53%), ease of finding (60% vs. 50%), handicap accessibility (60% vs. 40%), privacy (57% vs. 49%), the condition of the furniture (56% vs. 45%), the availability of court personnel for assistance (52% vs. 41%), and the lack of outside distractions (51% vs. 47%).

Accessibility for Persons with Disabilities (questions 31 and 43):

For those with an opinion, attorneys were significantly less satisfied with accessibility for persons with disabilities to the doors for private conference space (60% vs. 74% judges and court staff or 76% jurors and the public) as well as to tables (65% vs. 73% judges and court staff or 75% jurors and the public). In addition, 56% of attorneys were not very or not at all satisfied with accessibility for persons with disabilities to water fountains, whereas 68% of the public and 56% of judges and court staff were completely or somewhat satisfied.

Attorneys were less inclined to agree that parking was available for persons with disabilities (63% for attorneys, 73% for judges and court staff and 85% for the public).

Technology (questions 45–47):

Attorneys were more inclined to use a PDA device (32%) than judges and staff (19%) or the public (12%).

For those with an opinion, 56% of attorneys said they were not able to connect to the Internet in the courthouse, whereas 70% of judges and court staff and 73% of the public said they were able to connect to the Internet.

When asked if the courthouse offered WiFi connection, of those who had an opinion, 66% of the public said yes, but 51% of judges and court staff said no, and 68% of attorneys said no.

Information Access (questions 55–58):

Only attorneys were asked whether they knew whom to contact in the courthouse with questions about technology. Eighty-five percent said no. Attorneys were also asked to indicate from a listing those items they had difficulty locating on a New York State court Web site: 24% responded decisions, 18% case status, 17% forms, 17% rules, 16% calendars, 16% contact information, and 4% other topics.

E-Filing (questions 59–64):

When asked whether they had used the federal ECF or Pacer systems, of those with an opinion other than don't know, 55% of attorneys said yes, while 87% of judges and staff said no. Also, for those that did know, 82% of attorneys and 65% of judges said the New York State courts should have a system equivalent to Pacer. In addition, of those with an opinion other than don't know, 80% of attorneys and 71% of judges felt New York State courts should use electronic filing of papers.

Summary (questions 48–54):

When asked about the overall level of satisfaction with the quality of services provided by court personnel, 51% of attorneys as compared to 65% of judges and court staff or 66% of jurors and the public indicated they were completely satisfied.

This summary is based on calculations of the raw survey data, as well as data found in Appendices E (Combined Responses) and G (Cross-tabulations).

C. Judges and Court Staff Responses

Nine percent of all responses came from judges (116) and court personnel (49). The summary below reviews instances where the responses of judges and court personnel differ significantly from two other groups: (i) attorneys or (ii) jurors and other members of the public. The responses for this group are shown in Appendix E-4.

Demographics (questions 72–76):

The age range among judges and court staff who responded had a larger concentration of personnel aged 56-65 (48% compared to an average of 26%). There also was a smaller percentage of younger personnel, only 7% compared to an average of 17%.

Public Building Facilities (questions 6–16):

Judges and court staff had a greater tendency to strongly agree with security officers being courteous (58%), efficient (55%) and clearly explaining the necessary procedures (48%) than did attorneys or the public, approximately a 14% difference.

Eighty percent of judges and court staff, who responded with a yes or no, found facsimile machines not to be available compared to 89% of the public or 95% of the attorneys.

Courtroom (questions 17–18):

Again, judges and court staff were more likely to strongly agree that courtroom staff were courteous (60%), efficient (58%) and clearly explained the necessary procedures (54%) than other respondents.

Judges and court staff, who spend more time in the courthouse, were less likely to be as completely or somewhat satisfied with temperature (59%) than attorneys (69%) or others (68%).

Judges and court staff were also less likely to be completely or somewhat satisfied with ventilation (53%) than attorneys (64%) or others (72%).

Jury Deliberation Room (question 21):

Judges' and court staff's positive ratings (completely or somewhat) of satisfaction were significantly lower for temperature (61%) and ventilation (59%) than the ratings by attorneys and others.

Law Library (questions 22–23):

Judges' and court staff's positive ratings of satisfaction were significantly lower for temperature (74%) and ventilation (72%) than the ratings by attorneys and others.

Refreshment/Vending Machine Area (question 26):

Judges and court staff, when an opinion was given, were not very or not at all satisfied with the vending areas machines (54%), beverage selections (54%), food selections (72%), but 54% were either completely or somewhat satisfied with the cleanliness of the area.

Restroom Facilities (question 27):

Judges were significantly less satisfied (completely and somewhat) with availability of access (77%) than attorneys (85%) or the public (87%).

Children Center (question 28):

Judges and court staff were positively satisfied with the child center facilities, whereas attorneys were not satisfied. Judges and court personnel were satisfied with: cleanliness (63%), hours available (57%), number of staff (55%), competency of all staff (56%), and overall care (56%).

Sound: Court Interior (questions 35–40):

Fifty-six percent of the judges and court personnel with an opinion were aware assisted listening devices were available, but 89% of the attorneys and 83% of the public were not.

Lighting Conditions: Court Exterior (question 44):

When an opinion was given, judges and court staff were less positive (very good or good) about visibility due to lighting outside the courthouse (85%) and a feeling of security due to adequacy of lighting outside the courthouse (76%), than others who rated both positively by over 90%.

Technology (questions 45–47):

When asked if they used a computer in the courthouse, 50% of judges and court staff indicated they did, while 91% of attorneys and 87% of the public did not.

When they had an opinion, 85% of judges and court staff said there was clear cell phone reception in the courthouse, as opposed to 76% of attorneys or 69% of the public.

Video conferencing systems, when an opinion was given, were found by 91% of judges and court staff to be very important or important in comparison to 82% by other respondents.

Information Access (questions 55–58):

While 61% of judges and court staff know whom to contact in the courthouse with questions about technology, 86% of attorneys and 91% of the public do not.

Judges' Equipment and Facilities (questions 65–68):

Only judges and court personnel were asked a series of questions regarding judges' facilities. Those that knew indicated the following: 76% have sufficient telephone services; 74% have sufficient computer-related equipment; 64% are able to receive electronic attachments from outside the New York State court system; 59% said the case management system in chambers provides them with all the information they need regarding scheduling; 51% indicated telephone conference services were available in the courtroom; and 53% did not experience inconsistencies between the case management systems used in the courtroom and chambers.

When judges and court personnel were asked what computer-related equipment they lacked, only 38 text responses were received. The most common responses indicated that none were lacking, while the remainder focused mostly on scanners and printers. Forty comments concerned the telephone service, but 12 indicated there were no problems. Other responses varied from poor service to lack of conferencing capability. There were 34 written responses regarding

inconsistencies with the case management system. Several text comments indicated no inconsistencies, leaving 19 varying comments included calendar issues and differences between courtroom and chambers information. However, a review of the survey responses by county indicates that the inconsistencies are most acute in the New York City counties.

In the Courthouse (questions 69–71):

Judges and court personnel were asked about the availability of cafeteria, conference room and law library spaces.

Forty-eight percent felt there should be a cafeteria, and 41% felt there should not be one. Eighty-eight percent were not very or not at all satisfied with the cafeteria. Fifty-four percent did not feel that a cafeteria area for judges was necessary, and 62% indicated a separate area for law clerks was not necessary.

Sixty percent said there was a conference room for judges to meet, and 71% were completely or somewhat satisfied with it.

Eighty-four percent knew of the law library, but 53% indicated a law library area for judges was not necessary, and 55% indicated a law library area for law clerks was not necessary. Of the judges and court personnel who had an opinion, 79% were completely or somewhat satisfied with the law library.

Forty-nine written suggestions about eating facilities were received from judges and court personnel. The majority of comments centered around offering an eating facility and or vending machines, as well as having separate areas for judges and the public. Thirty-nine written suggestions for conference facilities were received, most of which concerned more conference space. Thirty-two suggestions were received regarding the law library, ranging from the facility being okay as is to increasing the space.

This summary is based on calculations of the raw survey data, as well as data found in Appendices E (Combined Responses) and G (Cross-tabulations).

D. Public

Jurors and other members of the public only received a printed version of the survey, found in Appendix D, when employees of the Fund for Modern Courts or court staff at a courthouse distributed them. A total of 269 surveys were returned from those who identified themselves as follows: 163 jurors, eight case/social workers, 17 family members, 24 litigants, seven paralegals, nine witnesses and 41 others. The responses of this group are shown in Appendix E-5. The summary below reviews instances where the responses of the public differ significantly from two other groups: judges and court personnel, on one hand, and attorneys, on the other hand.

Background (questions 1–5):

Of the jurors and other members of the public who answered the survey, a significant portion (29%) visited a Nassau County courthouse. This is mainly due to the cooperation we received from courts in Nassau County which actively distributed, collected and returned these surveys.

As expected, the public has visited the courthouse less often than judges, court staff and attorneys: 48% visited only once, 29% visited two to five times, and 23% visited six or more times.

Demographics (questions 72–76):

The ratio of males to females among jurors and other members of the public was 40:60 in comparison to the opposite for other categories, which was approximately 60:40.

Public Building Facilities (questions 6–16):

In comparison to judges and court staff who work in the courthouses or attorneys who practice law, a large percentage of the public has not observed the physical condition of many of the public building facilities including: 84% law library, 71% private conference space, 65% office of the court clerk/commissioner of jurors, 75% food service, 55% refreshment/vending machine area, 90% children center facilities, and 58% accessibility for persons with disabilities.

With regard to the physical condition of the courtroom, 39% of the public found it in very good condition compared to 30% of the judges and court staff and 30% of the attorneys.

Seventy-eight percent of jurors and other members of the public waited less than five minutes to go through lobby security, while 91% of judges, court staff and attorneys waited less than five minutes.

Among those who had an opinion, the public (83%) was much more likely to find public phones available than judges and court staff (67%) or attorneys (66%).

Courtroom (questions 17–18):

Jurors and other members of the public were more likely than attorneys or judges and court staff to be completely satisfied with the amount of seating (60%), condition of furniture (51%), ventilation (42%), adequacy of lighting (60%), and lack of outside distractions (56%) found inside the courtroom. In comparison, attorneys were less completely satisfied with the amount of seating (44%), condition of furniture (39%), ventilation (29%), adequacy of lighting (45%), and lack of outside distractions (45%) found inside the courtroom. Judges and court personnel were also not as completely satisfied with the amount of seating (47%), condition of furniture (44%), ventilation (19%), adequacy of lighting (38%), and lack of outside distractions (42%) found inside the courtroom.

Forty-five percent of the public had no opinion about the coat area, whereas only 30% of attorneys and 20% of judges and court personnel had no opinion. Sixty-one percent of the public, who had an opinion, were completely or somewhat satisfied with the coat area in comparison to 69% of attorneys or 60% of judges and court staff who were not very or not at all satisfied.

Of those who had an opinion, the public (80%) was more likely to be completely or somewhat satisfied with accessibility for persons with disabilities than judges and court staff (69%) or attorneys (69%).

Jury Assembly Room (questions 19–20):

The public was significantly more likely to be completely or somewhat satisfied with all of the jury assembly room attributes than other groups. For those expressing an opinion, this includes: lighting (97%), amount of seating (96%), condition of furniture (94%), lack of outside distractions (91%), ventilation (89%), temperature (84%), access by persons with disabilities (83%), Internet availability (78%), and the coat area (72%).

Jury Deliberation Room (question 21):

Jurors and other members of the public were significantly more satisfied (completely or somewhat) with the following facilities than attorneys or employees of the court: amount of seating (93%), condition of furniture (89%), coat area (89%), ventilation (85%), adequacy of lighting (99%), lack of outside distractions (94%), and handicap accessibility (76%).

Law Library (questions 22–23):

Very few members of the public observed the law library. Statistics on such a small number of responses should be disregarded.

Office of the Court Clerk/Commissioner of Jurors (question 24):

This particular area of the survey was skipped by approximately 75% of the public. However, one of the questions to which there were the fewest responses showed that 15 out of a total of 21 felt there was staff available to interpret.

Food Service (question 25):

Although very few members of the public answered this question (maximum of 46 responses), those who did observe the food service were significantly more positive (completely or somewhat satisfied) than the other categories of respondents who ranked these amenities negatively.

Refreshment/Vending Machine Area (question 26):

Similar to food service, the public ranked their satisfaction with the vending machine area higher than other categories of respondents, when an opinion was given. For example, 81% of the public were completely or somewhat satisfied with the cleanliness of the area, but only 54% of judges and court staff were satisfied, and only 44% of attorneys were satisfied. Sixty-nine percent of the public were completely or somewhat satisfied with vending machines, in comparison to 46% of judges and court staff and 34% of attorneys.

Restroom Facilities (question 27):

Jurors and other members of the public reported a higher level of satisfaction (completely and somewhat) with the restrooms than judges and court staff or attorneys, with one exception. Judges and court personnel were 70% completely or somewhat satisfied with accessibility for persons with disabilities, whereas the public was 67% satisfied, and attorneys were only 58% satisfied.

Children Center (question 28):

There were too few responses, ten or eleven, to draw any meaningful conclusions.

Private Conference Space (questions 29–30):

More than 80% of the public either did not answer or had no opinion about this topic. For many of these questions, there were so few respondents that the distribution of responses should be disregarded.

Accessibility for Persons with Disabilities (question 31):

The satisfaction ratings (completely or somewhat) for most of these categories, when there was an opinion, were higher among the public than for judges, court staff or attorneys. The portion of the public who were completely or somewhat satisfied with accessibility for persons with disabilities was: entrance (83%), elevator (88%), room to move about (76%), doors (76%), tables (75%), counters (72%) and water fountains (68%).

Sound: Court Interior (questions 35–40):

Of those with an opinion, 70% of the public indicated that they were able to hear the lawyers talking to the judge, whereas 77% of attorneys and 87% of judges and court personnel were able to do so. Similarly, 74% of the public was able to hear the judge talking to the lawyers, in comparison to 83% of attorneys and 90% of judges and court personnel.

Directions to the Courthouse (questions 41–43):

All 23 members of the public, but only 30 out of 39 attorneys, who had an opinion agreed that telephonic directions were accurate. Jurors and other members of the public were more inclined to agree that public parking was available near the courthouse (76% versus 60% judges and court staff) and that parking was available for persons with disabilities (85% of the public, 73% of judges and staff and 63% of attorneys), although this difference could be a function of the large portion of the public respondent population coming from Nassau County.

Technology (questions 45–47):

When asked whether they used cell phones in the courthouse, 55% of jurors and other members of the public said yes, as compared to 66% of judges and court staff or 72% of attorneys.

Information Access (questions 55–58):

When asked to rate the system for informing people that a courthouse is closed for the day, results were significantly spread out for those with an opinion: 50% of attorneys, 63% of judges and court staff, and 72% of the public rated it as very good or good.

Fifty-nine percent of the public have not used a New York State court Web site in contrast to 91% of attorneys and 97% of judges and staff. For those who did use the Web site, 73% of jurors and other members of the public, 81% of attorneys, and 88% of judges and staff found the information they were looking for easy to find.

Summary (questions 48–54):

The overall level of satisfaction (completely or somewhat) with the courthouse facilities was significantly higher among the public (91%), than it was among attorneys (78%) or judges and court staff (72%).

This summary is based on calculations of the raw survey data, as well as data found in Appendices E (Combined Responses) and G (Cross-tabulations).

E. Task Force Visits

Task Force members were not able to visit every courthouse in the State in the limited time available to us. Nonetheless, we were able to visit more than 60 courthouses across the State principally housing Supreme, Surrogate's, Family, County and City Courts. In Appendix H, there are summary reports of visits to various courthouses by Task Force members.

Generally, we found that the courthouses provided an adequately dignified ambience for the adjudication process for which they were conceived. The physical conditions were generally good. The most serious widespread deficiency was a lack of private conference space. Although court personnel will provide private conference space if asked, the need to ask inhibits spontaneous or urgent conversations. Further, in the vast majority of courtrooms, there was no coat rack or similar space for coats.

Some courthouses were excellent: Erie County Family Court, Chautauqua County Family Court, Suffolk County Supreme Court at 1 Court Street in Riverhead, and Kings County Supreme Court, Criminal Term, at 320 Jay Street in Brooklyn. The Erie County Family Court opened in 2001 and seeks to house the many specialized Family Court parts in a user-friendly, private and dignified manner. It also has an award-winning free children center, although it is located next to the probation department where, at least one day a week, convicted child molesters are in proximity to the children. The Chautauqua County Family Court was rebuilt within the last two years. The Task Force member who visited found the interior of the building magnificent with a design aimed at creating a positive experience for children. The Suffolk County courthouse construction was completed in the last two years, resulting in a beautiful building that is very user-friendly. The Kings County Supreme Court, Criminal Term, has been in use for three years. It is state-of-the-art in terms of access (for persons with disabilities, hearing-impairments or even persons speaking 28 languages other than English) and technology (including monitors in every court-room and devices to display evidence). There are two private conference rooms on every floor, and there is even space for a clean laboratory for drug tests in conjunction with the Drug Treatment Court.

Some courthouses were poor. Richmond County Family Court has astonishingly small facilities. The Task Force member who visited was told that, on some days, there are approximately 200 people present in a waiting room with a capacity of 50 to 60 people, so that people spill down the stairs, out the courthouse doors and down the courthouse steps to the street. Further, there are no elevators to the second floor containing two small courtrooms, to which there is no accessibility for persons with disabilities. The Albany County Supreme Court was under renovation when a Task Force member visited. Few steps had been taken to alleviate conditions arising from the construction, which left the facility in terrible condition. With only one elevator in operation for access to the upper floors, the corridor leading to that elevator had been narrowed to two-and-a-half feet with unpainted drywall along one side. The Bronx County Family Court is inadequate to handle the over 42,000 cases filed each year. The waiting line to enter often takes an hour to transit in the morning. There is inadequate conference space, and the restrooms are in poor condition. The Westchester County Family Court in Yonkers is a dingy, unpleasant place to visit which does not feel safe.

The superb attitude of the staff throughout the state is a real strength. One Task Force member noted that she had “truly never been in a court where the personnel took such pride in the work they were doing to improve the building [, . . so that] any additional resources made available to th[e] court would be maximized to the fullest.”

Some courthouses were found to be better than average. After a satisfactorily performed renovation, the Rensselaer County courthouse for the Supreme, Surrogate’s and County Courts was found to be completely satisfactory on almost all dimensions of the physical facility. The Westchester County Family Court facilities in New Rochelle were found to be a little dated, but fine, including a completely satisfactory children center. The courthouse for the Chautauqua County Supreme, Surrogate’s and County Courts has been recently renovated, and the renovations were well done. The Kings County Family Court is virtually brand new, very modern and up-to-date, but, because of the high volume (about 3,500 people each day), it may have some space issues requiring additional courtrooms. The Nassau County Supreme Court contains a central jury assembly room for the Nassau County Supreme, County and District Courts with work stations, flat screen televisions, printers and wireless accessibility. The New York County Supreme Court at 80 Centre Street, which only handles civil matters, has made an outstanding innovation in creating a matrimonial and commercial mediation room out of the former jury assembly room.

Some courts have a capacity problem, especially in New York City. Richmond County has several courthouses operating beyond capacity. The court buildings in Queens County are densely occupied with no room to spare for current or expanded operations. The New York City Civil Court in Kings County is bursting at the seams. The New York County Supreme Court branch courthouse at 71 Thomas Street is cramped.

Similarly, the Nassau County Family Court is too small for the volume of cases and people it must handle. The Monroe County Hall of Justice strains to handle its volume of visitors. The Jefferson County Supreme Court could use improvement. It is outdated, and one courtroom even lacks a jury box. In Allegany County, where there are plans for an addition, most attorneys, litigants and witnesses stand or sit in the hallway leading to the courtroom until security officers require them to enter the court. The Schenectady County courthouse is functional, but related facilities, such as a jury assembly room or private conference space, are lacking and accessibility for those with disabilities is challenging. The Cattaraugus County Supreme, Surrogate's and County Courts courthouse in Little Valley requires significant additional space in order to provide adequate accommodations for the courts.

The Court Facilities Act of 1987, ch. 825, has decentralized responsibility for physical court facilities to the cities and counties in which the courthouses are located. This has been both a boon and a curse. Because the local people know the facilities best, it has fostered exemplary improvements, such as the Chautauqua County Family Court that was recently moved to a refurbished former public school. On the other hand, it can also foster mistaken improvements. For example, in the recent renovation of the New York County Supreme Court at 60 Centre Street, city planners installed self-locking doors, which court staff who use them have taped open due to the high volume of traffic.

In particular, there appears to be some tension between the courts that are the tenants in the courthouses of which the City of New York is the landlord. The problems can range from the petty to the serious. One judge at the less than one-year-old Bronx County Criminal Court had repeatedly reported that the push-bar does not work to open the courtroom door from the corridor where his robing room is located. The New York City Department of City Administrative Services ("DCAS") had failed to make the repair within 11 months, and the judge had to continuously prop the door open. More seriously, the administrators at the new courthouse had to obtain permission from DCAS to use the public address system. When the sewers backed up within six weeks of the opening of the courthouse, the court administrators were unable to use the public address system to timely warn people throughout the courthouse not to use restroom facilities. When people flushed the toilets, the damage was exacerbated.

Since the 1987 Act, the City has been implementing a 1989 plan, the New York City Court Facilities Capital Plan, for the courthouses in the five boroughs. Twenty years later, parts of that plan may have become outdated, although it is still being followed. Thus, in Richmond County, where facilities have already been scattered among several locales, ground was broken at the end of 2008 for a new courthouse that many are concerned will be inadequate for the expected volume of cases when it is completed. Moreover, while the courthouse is being built, the City of New York has determined, over the protests of Richmond County court personnel, that it wishes to redevelop the Homeport property, where six judges (including two matrimonial judges), two referees and one judicial hearing officer have courtrooms and offices. Therefore, at a projected cost of \$16 million, the City is planning to convert a theatre on Hyatt Street to house three courtrooms and an Appellate Division justice's office and will convert space that is being used for the library and clerk's office at 130 Stuyvesant Place into two courtrooms and move the library and the clerk's office. At the very least, it

appears that the City should first construct the new courthouse before dispersing people, courtrooms and facilities from their current locations at a cost of at least \$16 million.

V. Best and Worst Practices

In the Task Force's review of the courthouses around the State, Task Force members have noticed many practices that are admirable and should be emulated. Task Force members have also found many practices that the Task Force recommends be corrected, if possible. Both types of practices, the best and the worst, are described below by category. Details can be found in Appendix H. The descriptions here are not meant to be an exhaustive list as Task Force members have not visited every court in the State.

A. Design and New Construction

Best Practices

The best practice is to design, build and maintain a first-rate, state-of-the-art, user-friendly adequately sized courthouse accommodating all services and specialty parts, as was done for the courthouses for the Broome County Family and County Courts; the Chautauqua County Surrogate's Court; the Erie County Family Court; the Kings County Supreme Court, Criminal Term; the Queens County Family Court; the Suffolk County Supreme Court at 1 Court Street; and the Wayne County Supreme, Surrogate's, Family and County Courts.

Worst Practices

Population growth, growth in programs and the evolution of litigation practices can strain court facilities, requiring additional well-designed space. Additional facilities are needed at least for the courthouses for the Cattaraugus County Supreme, Surrogate's and County Courts in Little Valley; the Onondaga County Family Court; the Ontario County Supreme, Surrogate's and County Courts; the Oswego County Family Court; and the Richmond County Supreme, Surrogate's and Family Courts.

Moreover, in planning new facilities, expected growth should be taken into account. Thus, while ground was broken for a new courthouse in Richmond County in December 2008, concerns have been expressed that it will not provide sufficient additional space when complete. Similarly, although the Kings County Family Court was built in the last four years with 38 courtrooms, it appears that there is already a need for more.

Lessons can be learned from design errors that have been made. At the Bronx County Criminal Court that opened in January 2008, glass panels popped out in the main lobby in the winter 2008 and on the interior of the northern corridor in the autumn 2008. At the King's County Surrogate's Court windows often break. There are huge pillars behind which people can hide in the Erie County Supreme Court, inadequate sally ports for prisoners in the Bronx County Criminal Court, and self-locking doors on heavily used corridors in the New York County Supreme Court at 60 Centre Street.

B. Renovations

Best Practices

Renovations should make courthouses more accessible, secure and user-friendly. They should allow for modern usage, while preserving historical architecture. Recent renovations that meet these criteria are the courthouses for the Chautauqua County Family Court; the Chautauqua County Supreme, Surrogate's and County Courts; and the Rensselaer County Supreme and County Courts.

Worst Practices

Restoration or renovation is needed for the Schenectady County Supreme, Surrogate's and County Courts and for the Westchester County Family Court in Yonkers. This is also true for the Allegany County Supreme Court, where an addition is planned and has been approved by the Office of Court Administration.

The Albany County Supreme Court renovation is an example of a poorly planned and implemented renovation. There apparently was no input from the local bar association. The courthouse was renovated piecemeal and only after hours, while keeping other portions in operation. This has resulted in delay of the project and increased the negative impact on the courthouse and its operation.

Similarly perhaps, the current renovation of the Bronx County Family Court is being done piecemeal while attempting to keep the courthouse in operation. According to a Task Force member, four escalators have been taken out of service, rendering it impossible to enter the building except through a very small public entrance. This has increased the demand on the public elevators and forced judges and litigants into the same elevators.

The plan of the City of New York to close existing courtrooms of the Richmond County Supreme Court at the Homeport for redevelopment of the property and to move court facilities to temporary quarters at a cost of \$16 million before a new courthouse has been questioned by many.

C. Parking

Best Practices

Ample parking appears to exist, at least, for the Oswego County Family and County Courts; the Richmond County Supreme Court at the Homeport; the Saratoga County Supreme, Surrogate's and County Courts; and the Suffolk County District Court.

Worst Practices

Parking is inadequate or limited for at least the following courts: Jefferson County Watertown City Court; Nassau County Family Court; Nassau County District Court; Nassau County Matrimonial Court; Onondaga County Supreme, Surrogate's and Family Courts; Oswego City Court; Rensselaer County Supreme, Surrogate's and County Courts; Richmond County Supreme and Surrogate's Courts; and Suffolk County Supreme Court at 210 Center Drive. For the Albany County Criminal Court on Morton Avenue and the Westchester County Family Court in New Rochelle, the lack of parking is exacerbated by the need to find space in a deteriorating neighborhood or one that does not feel safe.

There are also unique issues regarding parking around particular courthouses. The parking lot for the Suffolk County Surrogate's Court should be repaved and illumination added. The currently

adequate parking for the Nassau County Supreme Court is threatened by the potential sale of one of the parking lots. The garage at the Kings County New York City Civil Court is privately run, creating security issues requiring extra security personnel, which might be alleviated by the City of New York taking over the operation of the garage.

D. Accessibility for Persons with Disabilities

Best Practices

The two-story parking garage under plaza for the Monroe County Hall of Justice greatly assists with accessibility for persons with disabilities. Other courthouses with good accessibility include Erie County Supreme Court; Kings County Supreme Court, Criminal Term; Nassau County District Court; and Wayne County Supreme, Surrogate's, Family and County Courts.

Although the jury deliberation room for the New York County Surrogate's Court is not accessible for persons with disabilities, there is an alternative room readily accessible by persons with disabilities that can be used as a jury deliberation room when needed.

Worst Practices

Among the courthouses where accessibility for persons with disabilities could be improved are:

Allegany County Supreme, Surrogate's, Family and County Courts;

Bronx County Criminal Court, where the elevators are at one end of an extremely long hallway and prisoners with disabilities cannot be brought in wheelchairs to pens behind the courtrooms;

Jefferson County Supreme Court, where the restrooms on the tenth floor are not accessible;

Jefferson County Watertown City Court, where the restrooms are not accessible on the courtroom floor and the jury deliberation rooms are not readily accessible;

Madison County Supreme, Surrogate's, Family and County Courts, where there is no accessibility and any person with disabilities must be accommodated by using the County Office Building next door;

Nassau County Supreme Court, where only the restrooms on the first and second floors are accessible;

Nassau County Family Court, where the front entry ramp is poorly accessible and the rear entry is not accessible and where there is no access to the second floors of the temporary modules connected to the main building;

New York County Supreme Court at 60 Centre Street, where the restrooms are not accessible and only one courtroom can accommodate persons with disabilities in the jury box and the jury deliberation room;

Oswego County Supreme and Surrogate's Courts, where the main entrance is not accessible (although the back entrance is) and where the jury deliberation room for the Supreme Court is not accessible;

Oswego City Court, where there is no automatic entry door and the jury box is not wheelchair accessible;

Richmond County Family Court, where the second floor courtrooms are inaccessible; and Schenectady County Supreme, Surrogate's and County Courts, where there is no adjacent parking and the accessibility of the entrance and restrooms is deficient.

E. Elevators

Best Practices

The elevators are in good condition in the Suffolk County Surrogate's Court.

Worst Practices

The elevators require improvement at least at the Bronx County Family Court; Kings County Supreme Court, Civil Term; Kings County Family Court; Kings County New York City Civil Court; Monroe County Hall of Justice; Nassau County Surrogate's and County Courts; Oswego City Court; Queens County Supreme Court in Long Island City; and Queens County Supreme Court in Jamaica (where an upgrade is supposed to be completed by June 2009).

F. Security

Best Practices

Security was professional, courteous, helpful, efficient and effective in numerous courthouses, including, but not limited to:

- Allegany County Supreme Court
- Broome County Supreme and Surrogate's Courts
- Cattaraugus County Supreme, Surrogate's and County Courts in Little Valley
- Cattaraugus County Supreme, Surrogate's and Family Courts in Olean
- Cattaraugus County Olean City Court
- Cattaraugus County Salamanca City Court
- Chautauqua County Supreme, Surrogate's and County Courts
- Chautauqua County Family Court
- Jefferson County Supreme Court
- Kings County Family Court
- Kings County New York City Civil Court
- Monroe County Supreme, Surrogate's, Family, County and City Courts
- New York County Supreme Court at 60 Centre Street
- New York County Criminal Court
- New York County Surrogate's Court
- New York County New York City Civil Court
- Onondaga County Supreme, Surrogate's and Family Courts
- Oswego County Supreme and Surrogate's Courts
- Saratoga County Supreme, Surrogate's and County Courts
- Schenectady County Supreme, Surrogate's and County Courts
- Suffolk County Supreme Court at 210 Center Drive
- Suffolk County Surrogate's Court
- Suffolk County District Court
- Wayne County Supreme, Surrogate's, Family and County Courts
- Westchester County Family Court in New Rochelle
- Westchester County Family Court in Yonkers
- Westchester County Mt. Vernon City Court
- Westchester County New Rochelle City Court
- Westchester County Yonkers City Court

The Bronx County Housing Court will not enter any defaults until the entrance line has gone, which is publicly announced throughout the courthouse when it occurs.

The Kings County Supreme Court, Criminal Term, has a state-of-the-art security system with 500 cameras throughout the building.

Worst Practices

A few courthouses still have long lines and waits to pass security screening. Among these are the Bronx County Family Court; the Kings County Supreme Court, Civil Term; and the Monroe County Hall of Justice. The entrance lobbies provide inadequate space to accommodate security equipment and processing at the New York County Supreme Court at 71 Thomas Street and the Ontario County Supreme, Surrogate's and County Courts.

The probation center is located next to the children center at the Erie County Family Court, a situation that should be corrected immediately.

The Nassau County Family Court and the Bronx County Family Court have but one elevator bank for judges, litigants, lawyers and general public, including children, which can create a security hazard.

There are no first aid kits on each floor of the New York County Criminal Court.

In the courthouse for the Wayne County Supreme, Surrogate's, Family and County Courts, cell phones and PDAs must be surrendered at security.

G. Court Personnel

Best Practices

Court officers were described as particularly polite, courteous, attentive, accommodating, friendly, helpful and efficient and taking pride in the facilities at the following courthouses:

- Bronx County Housing Court
- Broome County Supreme and Surrogate's Courts
- Broome County Family and County Courts
- Cattaraugus County Supreme, Surrogate's and County Courts in Little Valley
- Cattaraugus County Supreme, Surrogate's and Family Courts in Olean
- Cattaraugus County Olean City Court
- Cattaraugus County Salamanca City Court
- Chautauqua County Supreme, Surrogate's and County Courts
- Jefferson County Supreme Court
- Jefferson County Watertown City Court
- Nassau County Family Court
- New York County Criminal Court
- New York County Surrogate's Court
- New York County New York City Civil Court
- Oneida County Supreme Court at Rome
- Oneida County Supreme, Family and County Courts at Utica
- Richmond County Family Court
- Saratoga County Supreme, Surrogate's and County Courts
- Schenectady County Supreme, Surrogate's and County Courts
- Suffolk County District Court
- Wayne County Supreme, Surrogate's, Family and County Courts

Westchester County Family Court in New Rochelle
Westchester County Family Court in Yonkers
Westchester County Mt. Vernon City Court
Westchester County New Rochelle City Court
Westchester County Yonkers City Court

Worst Practices

There are inadequate locker facilities, bathrooms and office space for court personnel in the New York County Supreme Court at 71 Thomas Street.

H. Clerk's Office

Best Practices

Some Clerk's Offices stood out. The Clerk's Office in the Chautauqua County Family Court was spacious and well-appointed. At the Suffolk County District Court, the Clerk's Office was very accessible and user-friendly with a computer outside for public access. The Ontario County Supreme, Surrogate's and County Courts Clerk's Office was also very user friendly.

The survey results confirm that the clerks and staff in many Clerk's Offices were polite, efficient and accommodating. A few received special mention. The personnel in the Allegany County Supreme, Surrogate's, Family and County Courts were very accommodating. The Clerk's Office has extended hours for the Kings County Family Court. At the Suffolk County Supreme Court at 1 Court Street, there is a Spanish interpreter on staff and other interpreters are available.

Worst Practices

More space is needed for the Clerk's Offices in Allegany County Supreme, Surrogate's, Family and County Courts and Cattaraugus Supreme, Surrogate's, and Family Courts in Olean. There is inadequate space for supplies at the New York County Supreme Court at 80 Centre Street, and supplies are kept in a "trailer" outside the main building for the Nassau County Family Court. The Clerk's Office is located in a separate building for the Jefferson County Supreme Court creating a logistical challenge to move papers between the facilities. The ceiling needs repair in the Clerk's Office at the New York County Supreme Court at 80 Centre Street.

I. Signage and Directions

Best Practices

Several courts have a resource center, information center or information booth or table at their entrance to provide directions and sometimes interpreters. Among these are the Bronx County Family Court; the Bronx County Housing Court; the Erie County Supreme Court; the Kings County Supreme Court, Civil Term; the Monroe County Hall of Justice; and the Nassau County Supreme Court. Court personnel provide directions at the Bronx County Supreme Court and supplement good signage (including signs indicating availability of interpreters) at the Nassau County District Court. Interpreters are on site as needed at the Nassau County Surrogate's and County Courts.

At the entrance to the Kings County Supreme Court, Criminal Term, there are monitors with the names of the defendants and the part in which they will appear and signs in 29 languages directing patrons where to go for an interpreter. Signage is very good at the Erie County Supreme Court; the Kings County Supreme Court, Civil Term; the Kings County Family Court; the New York County New York City Civil Court; and the Suffolk County District Court. There were clear directions at the

Oswego County Family and County Courts, and the floors and rooms were well marked at the New York County New York City Civil Court.

Worst Practices

Outside signage is poor for the Oswego City Court; Onondaga County Supreme, Surrogate's and Family Courts; New York County Supreme Court at 71 Thomas Street; and Jefferson County Watertown City Court. Interior signage was poor or confusing at the Onondaga County Family Court, the King's County Surrogate's Court, and the Bronx County Family Court. Moreover, in at least three counties with significant Hispanic populations – the Wayne County courthouse, the Monroe County Hall of Justice, and the Bronx County Family Court – there were no signs in Spanish.

J. Courtrooms

Best Practices

The physical condition of courtrooms was especially complimented at the Cattaraugus County Supreme, Surrogate's and Family Courts in Olean; the Cattaraugus County Olean City Court; the Chautauqua County Family Court; the Kings County Supreme Court, Criminal Term; the Queens County Family Court; the Richmond County Surrogate's Court; the Saratoga County Supreme, Surrogate's and County Courts; the Suffolk County Supreme Court at 1 Court Street; the Suffolk County Surrogate's Court; and the Wayne County Supreme, Surrogate's, Family and County Courts.

The furniture has been refinished or replaced in the last 12 years in the New York County Supreme Court at 60 Centre Street.

The County Bar Association has provided coat racks in each courtroom at the Queens County Supreme Court in Jamaica.

Worst Practices

A number of courthouses had leaks that needed to be repaired, including in one of the two courtrooms at the New York County Surrogate's Court and in courtrooms at the New York County Criminal Court.

A number of courts have courtrooms that are too small with insufficient seating. Among these are the Bronx County Family Court; Kings County Supreme Court, Civil Term; Kings County New York City Civil Court; Nassau County Family Court; New York County Supreme Court at 80 Centre Street; Richmond County Family Court; and Westchester Family Court in Yonkers. Other courtrooms have outdated or uncomfortable seating, such as the Bronx County Family Court, the Jefferson County Watertown City Court, and the Oswego City Court. A lack of coat areas or coat racks has been noted in the Kings County Supreme Court, Criminal Term, and the New York County Supreme Court at 60 Centre Street.

There was no jury box in a courtroom used for jury trials at the Jefferson County Supreme Court.

K. Jury Assembly Room

Best Practices

Many courts have heeded former Chief Judge Judith S. Kaye's call for upgrading jurors' experiences by providing comfortable jury assembly rooms with amenities. Nassau County has created a central jury assembly room for all Supreme, District and County Courts with workstations, flat screen televisions, printers and wireless accessibility. Similarly excellent conditions can be found

at the Saratoga County Supreme, Surrogate's and County Courts; the Kings County Supreme Court, Civil Term; and the Kings County Supreme Court, Criminal Term. The Suffolk County Supreme Court at 210 Center Drive has WiFi and televisions in the jury assembly room. The jury assembly rooms at the Suffolk County Supreme Court at 1 Court Street and New York County Criminal Court are spacious and comfortable. The jury facilities at the Monroe County Hall of Justice are modern and very well received.

Worst Practices

There are no jury assembly rooms for the courthouses serving Allegany County Supreme, Surrogate's and County Courts; Cattaraugus County Supreme, Surrogate's and County Courts in Little Valley; Cattaraugus County Supreme and Surrogate's Courts in Olean; Chautauqua County Supreme, Surrogate's and County Courts; Jefferson County Supreme Court; Oswego County Supreme Court; Oswego City Court; Ontario County Supreme, Surrogate's and County Courts; and Schenectady County Supreme, Surrogate's and County Courts.

L. Jury Deliberation Rooms

Best Practices

The jury deliberation rooms were comfortable, well-furnished and in good condition at least in the Kings County Supreme Court, Criminal Term; Nassau County Supreme Court; and the Saratoga County Supreme, Surrogate's and County Courts.

Worst Practices

Several courts' jury deliberation rooms can be criticized. In the Bronx County Criminal Court, constructed within the last two years, the jury deliberation rooms are too small, the chairs are too narrow, and there is insufficient soundproofing. In the Cattaraugus County Salamanca City Court, persons speaking in the jury deliberation rooms can be overheard in the courtroom. In the courthouse for the Schenectady County Supreme, Surrogate's and County Courts, the jury deliberation room is located in a tight hallway near the courtroom resulting in excessive contact between jurors and parties during breaks. In the Chautauqua County Supreme, Surrogate's and County Courts, the jury deliberation rooms are somewhat small. At the Kings County New York City Civil Court, some of the jury deliberation rooms are tiny, some have no bathrooms, and some are not soundproof. At the courthouse for the Nassau County Surrogate's and County Courts, there are only five jury deliberation rooms for ten courtrooms. In the Jefferson County Watertown City Court, the jury deliberation room is cramped and used for storage. Similarly, the Suffolk County Surrogate's Court jury room is located in back of the Clerk's Office on a separate floor with files stored in it.

M. Waiting Areas

Best Practices

Waiting areas have been praised as large, comfortable and clean at the Suffolk County Family Court; the Rensselaer County Supreme, Surrogate's and County Courts; the Kings County Family Court; the Jefferson County Family Court; and the Chautauqua County Family Court. In Family Court settings, large waiting areas minimize confrontations between litigants.

Worst Practices

A lack of waiting areas have been noticed at least at the courthouses for the Allegany County Supreme, Surrogate's, Family and County Courts; the Cattaraugus County Olean City Court; the Cattaraugus County Salamanca City Court; the Jefferson County Supreme Court; and the County Court of Jefferson County, and for the second floor courtroom at the Cattaraugus County Supreme,

Surrogate's and County Courts in Little Valley. The waiting areas are not large enough at the courthouses for the Cattaraugus County Supreme, Surrogate's and Family Courts in Olean; the Chautauqua County Supreme, Surrogate's and County Courts; the Onondaga County Family Court; the Oswego County Family Court; and the Richmond County Family Court. In the last example, the waiting room can hold 50–60 persons, but it often has 200 people waiting who spill down the stairs from the second floor and out the courthouse doors. The physical condition of the waiting area is poor or very poor at the Bronx County Family Court and the Bronx County Housing Court.

The Task Force encourages the flexible use of courthouse space. However, the conversion of courtrooms to waiting areas, as has occurred at the Kings County New York City Civil Court, may not be a solution since, at least in that court, it means judges are without courtrooms.

N. Conference Space

Best Practices

Some courthouses provide sufficient conference space for private conferences, including Broome County Family and County Courts; Chautauqua County Family Court; Erie County Supreme Court annex; Jefferson County Family Court; Kings County Supreme Court, Criminal Term; Nassau County District Court; Queens County Family Court; Rensselaer County Supreme, Surrogate's and County Courts; and Saratoga County Supreme, Surrogate's and County Courts. In Nassau County Supreme Court, EBT rooms on each floor can also be used for conferences.

Worst Practices

Far too many courthouses do not provide any conference space to the public for private conferences (which in high-volume courts can lead to a chaotic and unpleasant experience), including the following:

- Albany County Cohoes City Court
- Allegany County Supreme, Surrogate's, Family and County Courts
- Bronx County Supreme Court
- Bronx County Housing Court (where the conference space has been converted to other uses)
- Kings County New York City Civil Court
- Nassau County Surrogate's and County Courts
- Nassau County Family Court
- New York County Supreme Court, 80 Centre Street
- New York County Supreme Court, 71 Thomas Street
- New York County Criminal Court
- New York County New York City Civil Court
- Onondaga County Supreme and Surrogate's Courts
- Oswego County Supreme and Surrogate's Courts
- Oswego County County Court
- Queens County Supreme Court in Jamaica
- Queens County New York City Civil Court
- Richmond County Supreme and Surrogate's Courts
- Schenectady County Supreme, Surrogate's and County Courts
- Suffolk County Surrogate's Court
- Suffolk County Family Court
- Suffolk County District Court
- Westchester County Family Court in Yonkers

Westchester County Mt. Vernon City Court
Westchester County Yonkers City Court

Other courthouses, while providing some conference space, do not provide sufficient space, including the Bronx County Family Court; Broome County Supreme and Surrogate's Courts; Erie County Supreme Court County Hall; Erie County Family Court; Jefferson County County Court; Jefferson County Watertown City Court; Monroe County Supreme, Surrogate's, Family, County and City Courts; Nassau County Matrimonial Court; Oneida County Supreme Court at Rome; Oneida County Supreme, Family and County Court at Utica; Onondaga County Family Court; Ontario County Supreme, Surrogate's and County Courts; Oswego County Family Court; and Wayne County Supreme, Surrogate's, Family and County Courts. Some courthouses have rooms available but often keep them locked, perhaps because of security concerns, such as at the Bronx County Criminal Court, the Kings County Family Court, and the Westchester County New Rochelle City Court.

Privacy is also a concern for some existing conference space, such as at the Westchester County Family Court in New Rochelle or the Cattaraugus County Salamanca City Court. At the Kings County Supreme Court, Civil Term, the only private conference space is in a large room with multiple tables and chairs. At the Richmond County Family Court, the single conference space is a tiny booth with no privacy. At the Oswego County Family Court, glass panels prevent full privacy.

O. Restrooms

Best Practices

Restrooms were found to be in good condition at the courthouses for the Kings County Family Court and the Suffolk County Surrogate's Court and were clean at the courthouse for the Wayne County Supreme, Surrogate's, Family and County Courts.

Worst Practices

Restrooms were not easy to find at the courthouses for the Cattaraugus County Supreme, Surrogate's, and Family Courts in Olean and the New York County Supreme Court at 60 Centre Street. At the very least signage should be improved.

Restrooms were in poor or very poor physical condition at the courthouses for the Bronx County Family Court; the Broome County Supreme and Surrogate's Courts; the Kings County Supreme Court, Civil Term; the Kings County New York City Civil Court; the New York County Supreme Court at 71 Thomas Street; the New York County Criminal Court; and the New York County Surrogate's Court.

Some restrooms were also not very or not at all clean at the courthouses for the Bronx County Family Court; the Bronx County Housing Court; the Kings County Supreme Court, Civil Term; the Monroe County Family Court; the New York County Supreme Court at 60 Centre Street; the New York County Criminal Court; and the Queens County Supreme Court in Jamaica.

There is also a need for diaper changing tables at least at the Bronx County Family Court, the Nassau County Surrogate's and County Courts, the Nassau County Family Court, the Nassau County District Court, and the Suffolk County District Court. The lack of such a facility results in rolled-up diapers in the hallways of the Nassau County Family Court.

P. Children Center

Best Practices

Some children centers are well-conceived, well-equipped, well-staffed, well-organized, accommodating and pleasant. These include: Chautauqua County Family Court, Erie County Family Court, Kings County Family Court, Monroe County Hall of Justice, Nassau County District Court, and Westchester County Family Court in New Rochelle.

Worst Practices

Many courthouses have no children center and should have them. Among those are: Bronx County Supreme Court; Cattaraugus County Supreme, Surrogate's and County Courts in Little Valley; Cattaraugus County Supreme, Surrogate's and Family Courts in Olean; Cattaraugus County Olean City Court; Cattaraugus County Salamanca City Court; Chautauqua Supreme, Surrogate's and County Courts; Nassau County Matrimonial Court; Richmond County Surrogate's Court; Suffolk County Supreme Court at 210 Center Drive; Suffolk County Surrogate's Court; Suffolk County Family Court; and Suffolk County District Court. While the court claims there is a children center, there is no separate area for children at the Nassau County Family Court.

Some children centers should be improved. The children center at the courthouse for the Wayne County Supreme, Surrogate's, Family and County Courts is haphazard and unsupervised. In the courthouse for the Ontario County Supreme, Surrogate's and County Courts, the children center is very limited, and more space is needed for the children center in the Bronx County Housing Court. The children center in the courthouse for the Allegany County Supreme, Surrogate's, Family and County Courts is poor.

Q. Law Library

Best Practices

The Monroe County Hall of Justice law library is well-staffed with a good collection of resources. The Schenectady County Supreme, Surrogate's and County Courts law library has WiFi, computers for public use and free access to Westlaw, Lexis and Lois Law. The Nassau County Supreme Court law library is quite large and adequately staffed, the Queens County Supreme Court law library in Jamaica is in very good condition, and the Suffolk County Supreme Court law library at 210 Center Drive is well-equipped.

Worst Practices

The Cattaraugus County Supreme, Surrogate's, and County Courts law library in Little Valley is small and not user friendly. The Chautauqua County Supreme, Surrogate's and County Courts law library has insufficient seating, furniture in poor condition, and no Internet availability, and is not well maintained. The law library for Saratoga County Supreme, Surrogate's and County Courts is seven miles away. There is no law library for the Ontario County Supreme, Surrogate's and County Courts, the Nassau County District Court, the Suffolk County Supreme Court at 1 Court Street, and the Suffolk County District Court.

The Bronx County Family Court law library is available to judges, court staff and 18B attorneys, but it has no librarian, and books are missing or not up-to-date with pocket parts. Nor do the Family Court judges have their own sets of McKinney's.

R. Judges and Court Personnel Facilities

Best Practices

Some courts foster collegiality over lunch. There is a lounge for judges used during the lunch hour at the Bronx County Criminal Court. There is a lunch room for court personnel at the New York County Surrogate's Court. There is a large staff lunch room at the Suffolk District Court. Court employees have formed a lunch club at the Bronx County Supreme Court.

Worst Practices

There are no chambers for judges, who share a desk, at the Cattaraugus County Salamanca City Court. Magistrates and referees have no chambers at the Nassau County Family Court. Chambers are inadequate at the courthouses for the Allegany County Supreme, Surrogate's, Family and County Courts; the Cattaraugus County Supreme, Surrogate's and Family Courts in Olean; and the Cattaraugus County Olean City Court. In what is a security risk, in the courthouse for the Ontario County Supreme, Surrogate's and County Courts and the Oswego County County Court, litigants, prisoners and lawyers have direct access to chambers.

S. Accommodations for Criminal Defendants

Best Practices

Prisoner movement is well-designed in the Erie County Supreme Court annex, the Jefferson County County Court and the Wayne County Supreme, Surrogate's, Family and County Courts. In the Kings County Supreme Court, Criminal Term, the holding pens behind the courtrooms are equipped with speakers so expelled defendants can listen to proceedings. The Suffolk County Family Court has separate cells for juveniles.

Private communications between attorneys and incarcerated criminal defendants are important. There is a video conferencing center between the court and the jail at the Queens County Criminal Court. There are rooms to meet incarcerated defendants at the Nassau County District Court.

Worst Practices

The new Bronx County Criminal Court is an example of how *not* to accommodate prisoners. There are inadequate functional sally ports to transport prisoners from the separate Rikers Island jail. Further, prisoners with disabilities cannot be brought in wheelchairs to the pens behind the courtrooms.

T. Lighting

Best Practices

Some courthouses have been characterized as well-lit inside and out, including those for the Jefferson County Family, Surrogate's and County Courts; the New York County Criminal Court; the Oswego County Family and County Courts; the Suffolk County District Court; and the Wayne County Supreme, Surrogate's, Family and County Courts.

Worst Practices

The outside lighting is spotty at the Nassau County Family Court.

Inside lighting is poor in common areas at the Nassau County Surrogate's and County Courts and inadequate in areas at the Onondaga County Family Court. The Oswego County County Court is not well lit inside. The courthouse for the Ontario County Supreme, Surrogate's and County Courts has deficient lighting in the main lobby.

Lights are on all night at the Bronx County Criminal Court, regardless of operational hours.

U. Acoustics

Best Practices

Assisted listening devices are available in almost all courthouses.

Worst Practices

Acoustics are poor or inadequate in at least some courtrooms at the Kings County Supreme Court, Civil Term; Onondaga County Supreme Court; Oswego County Supreme Court; Queens County Supreme Court in Jamaica; Cattaraugus County Olean City Court; Jefferson County Watertown City Court; and Oswego City Court.

There are no assisted listening devices at the Broome County Family and County Courts.

V. Heating and Ventilation

Best Practices

New systems have been installed at the Queens County Supreme Court in Jamaica.

Worst Practices

Temperature and ventilation control are issues at least in the following courthouses: Bronx County Criminal Court, Bronx County Housing Court, Broome County Family and County Courts, Jefferson County Supreme Court, Kings County Surrogate's Court, Monroe County Hall of Justice, Nassau County Surrogate's and County Courts, New York County Supreme Court at 60 Centre Street, New York County Supreme Court at 80 Centre Street, New York County Supreme Court at 71 Thomas Street, New York County Surrogate's Court, Onondaga County Surrogate's Court, Oswego County Supreme Court, and Westchester County Family Court in Yonkers. The last building lacks proper ventilation, is overheated, and smells of soiled diapers.

The air and heat are turned off at 6 p.m. in the Kings County New York City Civil Court, even on those evenings when small claims cases are heard until midnight.

W. Technology

Best Practices

Courthouses should have WiFi throughout the building. Among the ones that do are: Erie County Supreme Court, New York County Supreme Court at 60 Centre Street, New York County New York City Civil Court, Richmond County Supreme and Surrogate's Courts, Suffolk County Surrogate's Court, and Wayne County Supreme, Surrogate's, Family and County Courts.

In Suffolk County, the Surrogate's Court and the Supreme Court at 210 Center Drive have public access computers to check the status of cases.

All courtrooms have modern technology in the Kings County Supreme Court, Criminal Term. Courtrooms have also been modernized at the Monroe Hall of Justice and in the Wayne County Supreme, Surrogate's, Family and County Courts. There is one courtroom of the future at the New York County Supreme Court at 60 Centre Street; the Nassau County Surrogate's and County Courts; the Onondaga County Supreme, Surrogate's and Family Courts; and at the Suffolk County Supreme Court at 210 Center Drive.

There is clear cell phone reception and PDAs work in the courthouses for the Jefferson County Family, Surrogate's and County Courts and the New York County New York City Civil Court.

Worst Practices

There is no Internet or WiFi access at many courthouses including, among others: Broome County Supreme and Surrogate's Courts; Broome County Family and County Courts; Chautauqua County Supreme, Surrogate's and County Courts; Chautauqua County Family Court; Jefferson County Supreme Court; Jefferson County Watertown City Court; Nassau County Matrimonial Court; Oswego County Family and County Courts; and Oswego City Court. Other courts limit WiFi just to certain areas, such as the second floor of the Nassau County Family Court, the jurors' lounge in the Saratoga County Supreme, Surrogate's and County Courts, and the law library and jury assembly room in the Suffolk County Supreme Court at 210 Center Drive.

There appears to be a shortage of electrical power at the Kings County Surrogate's Court. The computer hubs are located in a slop sink closet at the Nassau County Family Court.

There are no monitors to present evidence in courtrooms at the Broome County Family and County Courts.

There are no public facsimile machines at the Suffolk County Family Court.

According to Task Force members, many courthouses use different technology than the rest of the legal community, such as the word-processing program Word Perfect, rather than Word. However, court personnel often are prevented from receiving or converting documents using a different technology, thereby impeding the efficiency of the courts.

X. Telephones

Best Practices

Public telephones are available at the Wayne County Supreme, Surrogate's, Family and County Courts.

Worst Practices

There are no public telephones at the new Bronx County Criminal Court or in the older Broome County Supreme and Surrogate's Courts.

Cell phone reception can be problematic in the Bronx County Criminal Court, the Erie County Supreme Court, and the Kings County Supreme Court, Criminal Term.

Y. Food Service

Best Practices

There is a very good cafeteria with good seating and offerings at the new Suffolk County Supreme Court at 1 Court Street. There is food service available outside the secure area at the Jefferson County Supreme Court and at a lunch counter behind the County Office Building adjoining the Schenectady County Supreme, Surrogate's and County Courts.

Worst Practices

There is no food service in at least the following courts:

Allegany County Supreme, Surrogate's, Family and County Courts
Bronx County Supreme Court
Bronx County Family Court
Bronx County Housing Court
Broome County Supreme and Surrogate's Courts
Chautauqua County Supreme, Surrogate's and County Courts
Chautauqua County Family Court
Kings County Family Court
Madison County Supreme, Surrogate's, Family and County Courts
Nassau County Matrimonial Court
New York County Surrogate's Court
Richmond County Supreme and Surrogate's Courts

Kings County Family Court justifies its lack of food service because cans or bottles could be used as weapons in domestic disputes.

Other courts have very limited food and beverages available only through vending machines, food counters or even a food truck. These include:

Albany County Judicial Center
Kings County Supreme Court, Criminal Term
Monroe County Hall of Justice
Nassau County Surrogate's and County Courts
New York County New York City Civil Court
Ontario County Supreme, Surrogate's and County Courts
Queens County Supreme Court in Jamaica
Rensselaer County Supreme, Surrogate's and County Courts
Saratoga County Supreme, Surrogate's and County Courts
Suffolk County Family Court
Wayne County Supreme, Surrogate's, Family and County Courts

In some courts the vending machines are only in the jury assembly room, such as at the Kings County Supreme Court, Criminal Term, and in others they are not easily found, as at the Cattaraugus County Supreme, Surrogate's and Family Courts in Olean; the Cattaraugus County Olean City Court; and the Cattaraugus County Salamanca City Court.

Some cafeterias are inadequate. The Nassau County Supreme Court cafeteria needs a serious upgrade. The small cafeteria with limited offerings in the Suffolk County Supreme Court at 210 Center Drive is unsatisfactory. At the New York County Criminal Court, the mini-cafeteria has an unpleasant odor and is not often frequented.

There are no water fountains at the courthouses for the New York County Supreme Court at 60 Centre Street or the Onondaga County Supreme, Surrogate's and Family Courts.

Z. Filing

Best Practices

The Commercial Divisions in the Erie County Supreme Court and the New York County Supreme Court at 60 Centre Street have electronic filing. Not only does this save storage space, but it promotes efficiency for attorneys and court personnel.

Worst Practices

Some courts have insufficient file space, such as the New York County Surrogate's Court. At the Erie County Family Court, which opened in 2001, without electronic filing, the offices of the court referees are already overflowing with papers and files. At the Kings County New York City Civil Court, the employee lunchroom and children center are now used for file storage, and files are also stored in public waiting areas. The Richmond County Supreme Court now has the file room in a separate building from the courts. Moreover, the lack of electronic filing in the Nassau County Family Court results in voluminous hard-copy records that create space issues.

AA. Repairs and Maintenance

Best Practices

Some courts stood out in making every attempt to keep their courthouses clean and dignified. These included the courthouses for the Erie County Family Court; the Rensselaer County Supreme, Surrogate's and County Courts; the Richmond County Family Court; and the Wayne County Supreme, Surrogate's, Family and County Courts.

One Task Force member noted that, at the New York County Supreme Court at 60 Centre Street, the hand rail for public access on the outside steps, one of the most photographed places in the City, was replaced within a few days after being damaged in an automobile accident.

Worst Practices

There are rodent problems in the Kings County Surrogate's Court and the Nassau County Family Court.

Repairs in some instances have been inordinately slow. Major damage to the parking lot causes icing in winter at the Nassau County Family Court. Surrounding sidewalks are in disrepair at the Nassau County Supreme Court. The New York City Department of Citywide Administrative Services has been slow to fix the damage from a major sewage flood at the Bronx County Criminal Court and slow to repair the damage from a lesser flood in the record room at the New York County Criminal Court. Some light fixtures had no bulbs in the New York County Surrogate's Court, and the atrium and basement leak when it rains at the Queens County New York City Civil Court.

According to Task Force members, there are often lengthy lists of repairs that need to be done in courthouses in New York City. For example, there have been leaks in back offices and courtrooms at New York City courthouses, beyond those described above, that have taken an excessive time to correct.

BB. Innovations

Best Practices

There are innovations in various courts across the state that should be praised and emulated where appropriate. A "green" roof has been installed on the Bronx County Supreme Court. All lights are on timers at the Bronx County Housing Court.

A matrimonial and commercial mediation room has been created at the New York County Supreme Court at 80 Centre Street. A large unassigned courtroom has been converted to *in rem* foreclosure proceedings in the Erie County Supreme Court.

All conference parts have been moved to the same floor of the Bronx County Supreme Court, making it easier for attorneys to cover more than one part and judges to find attorneys when needed.

The Suffolk County District Court subscribes to Language Line, a telephone-based interpreter service.

The Suffolk County Family Court has created a child support office.

There is an attorney lounge in the Nassau County Supreme Court. According to a Task Force member, at the Onondaga County Supreme, Surrogate's and Family Courts, the Onondaga County Bar Foundation paid for the furnishings in the attorneys' lounge.

Appendices

- A. Research and Reports from Other Sources** (Fund for Modern Courts, etc.)
- B. Attorney Survey Questionnaire**
- C. Judge and Court Staff Questionnaire**
- D. Juror and Public Questionnaire**
- E. Combined Responses**
- F. Text of open-ended questions**
- G. Cross-tabulations by Type of Courthouse**
- H. Task Force Visit Reports**
- I. Guidelines for New York State Court Facilities** (Part 34 of the Rules of the Chief Judge)