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NYCLA Releases Initial Report by the Task Force on the Family Court

August 12, 2010 – The New York County Lawyers' Association (NYCLA) has released the Initial Report by its Task Force on the Family Court, which recognizes the fiscal constraints under which the Family Court operates and makes recommendations that “will result, ultimately, in a more efficient, effective and just court.” Co-chaired by Hon. Howard Miller, Justice of the Supreme Court, Appellate Division, 2nd Department, and Professor Jane M. Spinak of Columbia Law School, the Task Force examined such questions as: “What steps need to be taken to enhance the ability of the court to hear and try cases quickly and effectively? What initiatives are being created and implemented by stakeholders and the court itself in the five boroughs? What information is currently being collected by the court system?”

“The Task Force built on the ideas generated at the two NYCLA conferences on Family Court held several years ago,” said Professor Spinak. “We were especially interested in identifying ways to build on existing reform efforts while also encouraging the court system to step back and evaluate those efforts in order to determine which reforms were working and which needed to be reconsidered. At its core, the Task Force wanted to reconfirm the idea that the Family Court is a court of law and needs the tools and resources to act as one.

It is noteworthy that Family Court Administrative Judge Edwina Richardson-Mendelson’s Plan for the Future of New York City Family Court, released in early 2010, addresses many of the goals and recommendations of the NYCLA Task Force Report. Although some of the recommendations identified by the Task Force have already been implemented, the Task Force chose to keep them in the Initial Report to highlight their importance. The Report also acknowledges longstanding positions NYCLA has advocated: consolidating and restructuring the court system, increasing the number of New York City Family Court judges, and rationalizing resources within the court system to provide the Family Court with essential resources to conduct its work fairly and effectively.

Sub-Committees’ Recommendations

One recommendation made by the Task Force’s Trial Practice Sub-committee, which examined steps to enhance the Court’s ability to hear and try cases quickly and effectively, is to set up a pilot program in each borough where judges would use written affidavits in lieu of direct testimony for witnesses in cases involving the termination of parental rights.

Three other Sub-committees of the Task Force contributed sections of the Report. The Point-of-Entry Sub-committee examined events taking place from the litigant’s arrival at the courthouse to the filing of the petition; the Current Initiatives Sub-committee identified and analyzed many innovative programs operating in the New York City Family Court and with its stakeholders; and the Information and Data Sub-committee examined data collection and usage among the Family Court stakeholders.

The four Sub-committees’ recommendations include:

- Point-of-Entry Sub-committee recommendations: Staggering shifts for court officers to permit the operation of additional magnetometers without necessitating overtime; prioritizing litigants held over to the afternoon to reduce unnecessary delays; updating the intranet system to expedite the petition processing and expanding the information

available at courthouse kiosks; and making that information available in other languages to accommodate non-English-speaking litigants.

- Current Initiatives Sub-committee recommendations: Enhancing the case-management system, which includes court conferencing and expansion of early screening, triage and front-loaded services; increasing the utilization of mediation and court-connected services; increasing the utilization of diversion programs; and increasing data collection and analysis.
- Trial Practice Sub-committee recommendations: Increasing the potential pool of Judicial Hearing Officers by expanding the use of retired judges from outside New York City; using attorneys, under judicial supervision, to manage court conferences; holding trials in block times in the morning on consecutive days; adjourning trials for not more than 30 days and only for good cause shown; covering all substantive hearings by court reporters; requiring court reporters to produce transcripts within two weeks; and scanning all exhibits offered into evidence at trial, with copies provided to all parties and the court.
- Information and Data Sub-committee: Bringing together all of the stakeholders in the Family Court to collectively assess and compare their current data-collection systems; having the stakeholders collectively agree what data would be informative and assist them in improving their ability to capture these data; and determining if there are systems that could be used by all stakeholders to standardize the collection and reporting of data.

Conclusion and Next Steps

The Task Force Initial Report seeks to be most useful to the Family Court by providing “concrete tools” to improve the court. “At the same time,” the Report notes, “the Task Force continues to strongly endorse increased resources to the Family Court, in particular the addition of new Family Court judges. The Task Force also urges the Office of Court Administration (OCA) to review the distribution of resources within the overall court system and to shift resources to the Family Court wherever possible.”

The Report concludes:

“This Report focuses predominantly on how to make the Family Court a more effective court for the litigants who pass through its doors. While there is little discussion of litigants in this Report, ensuring fairness and justice for the people who are served by the Family Court was and will continue to be the central motivating force of the Task Force’s work. Much is left to be done before the court is able to administer fully the grave responsibilities before it. The Task Force stands ready to assist the Family Court in implementing our recommendations. We look forward to meeting with OCA and Family Court personnel, including judges and other stakeholders, to discuss our recommendations and to consider ways to implement them.”

The New York County Lawyers' Association (www.nycla.org) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion, gender or sexual identity. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.