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Commission on Local Government Efficiency and Competitiveness

Comments submitted by Tedra L. Cobb, St. Lawrence County Legislator District 8

June 13, 2007

I am Tedra L. Cobb and I am a St. Lawrence County Legislator representing District 8. I would like to thank the Commission Members for allowing me the opportunity to address you today.

My remarks today focus on the current Justice Court system in St. Lawrence County and suggestions to improve the system. The data included in my remarks are taken from the American University Criminal Courts Technical Assistance Project study conducted in 2001 of the locally funded limited jurisdiction courts system – i.e. Justice Courts – in St. Lawrence County and the responses of the current District Attorney, Nicole Duvé to a NY City Bar Association Talk Force on Town and Village Courts District Attorneys' Questionnaire. Both of those documents are attached.

Since January of 2007, I have Chaired a newly created Government Review Committee whose mission is to conduct an ongoing assessment of County services, departments, policies, procedures and local laws and make recommendations for improvement to the St. Lawrence County Board of Legislators. That group identified revamping the current system of Justice Courts as a priority.

In budget year 2007, the County appropriated \$1,788,572 for Indigent Defense and \$1,134,025 for the District Attorney. There are seven Attorneys in the office of Public Defender and four in the Conflict Defender's office. There are seven full time attorneys and one part-time appeal attorney in the District Attorney's office.

These attorneys must cover landmass of 2,800 square miles and 35 Town and Village Justice Courts and one City Court. More than one court meets at the same time and hearings and trials are set at varying hours in order to accommodate some justices' schedules. Trials often begin after 6:00 p.m. and go well past midnight. It is not unusual for courts to have trials over the course of two or three nights.

There are 53 Town and Village Justices and one City Court Judge; only nine of these positions, including City Court, are held by Attorneys. A stenographic record of proceedings in the local courts, with the exception of City Court and the Town and Village of Massena Courts, is usually never made. The rare exception to this is when there is a preliminary hearing, and sometimes a trial. Depending on the type of case or the practice of the court, a stenographer may be employed or a tape recorder used.

I will highlight some of the problems identified over the past several years, but due to the time constraints will not elaborate or cover all of the problems.

- There are too many courts and too few prosecutors. This can be especially problematic when trying to meet the time deadlines for preliminary hearings.
- Many of the Justices are poorly trained, not necessarily because the training offered is inadequate, but because many non-lawyer Judges are not able to grasp the content and the training is not enough to make up for the lack of a law degree.
- Some Justices struggle with literacy issues and as a result struggle to write a decision or order.
- Some Justices have held jury trials for so long could no longer be prosecuted.
- Some Justices have great difficulty preparing returns on appeals.
- Some Justices lack an understanding of the rules of evidence.
- Some Justices have tried to manipulate the plea bargain process by speaking directly with the arresting agency about the merits of a pending matter.
- Some town courts, despite having been awarded grant money for additional equipment, do not use that equipment.
- Most courts have no court security.

I would like to add a comment from the Technical Assistance Project Study:

In our opinion, the current situation is very unsatisfactory in terms of operational efficiency, cost (in both its qualitative/image and fiscal aspects), and accountability.

There are obstacles to changing the current system, further study and a concrete plan to overcome those obstacles is needed. I encourage the State to assist us in exploring the challenges and opportunities for making our services better and serving the justice needs of New York State and County residents.

Attachments:

American University School of Public Affairs Justice Programs Office Report on Local Justice Courts System for St. Lawrence County

The New York City Bar Association Task Force on Town and Village Courts District Attorneys' Questionnaire