

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

Please email the completed form to Goldstea@erie.gov or mail to Amy Goldstein, Esq., Justice Courts Bureau Chief, Erie County District Attorney, 25 Delaware Avenue, Buffalo, N.Y. 14202.

1.) How many town and village courts are in your county? Please list the towns and villages.

There are 35 Town and Village Justice Courts and one City Court in St. Lawrence County. The following is a list of those courts:

Town of Brasher	Town of Fowler	Town of Massena	Town of Potsdam
Town of Canton	Town of Gouverneur	Village of Massena	Village of Potsdam
Village of Canton	Town of Hammond	Town of Morristown	Town of Rossie
Town of Clare	Town of Hermon	Town of Norfolk	Town of Russell
Town of Clifton	Town of Hopkinton	City of Ogdensburg	Town of Stockholm
Town of Colton	Town of Lawrence	Town of Oswegatchie	Town of Waddington
Town of Dekalb	Town of Lisbon	Town of Parishville	
Town of Depeyster	Town of Louisville	Town of Piercefield	
Town of Edwards	Town of Macomb	Town of Pierrepont	
Town of Fine	Town of Madrid	Town of Pitcairn	

2.) What is the population of your county?

The population of St. Lawrence County is approximately 112,000. In addition, the enrollment at four colleges and universities in the county boosts the population by another 12,000 for the duration of the school year and impacts the workload of the local courts and this office.

3.) What is the total number of justices?

There are 53 Town and Village Justices and 1 City Court Judge.

How many are lawyers?

Nine of these positions, including City Court, are held by attorneys.

Do you think they should be lawyers?

Yes.

Please, if you know, tell us the professions of the non-lawyer justices.

Teachers, firemen, clerks, carpenters, housewives, insurance salesmen, skilled laborers and retired law enforcement officers among others.

4.) If you know, what is the range of justices' salaries set by the town or village?

The approximate range is anywhere from \$3,000 - \$17,000 per year.

5.) What are the courts' regularly scheduled hours for sessions?

Court	Hours	Court	Hours
T-Brasher	Tuesday at 7 PM	T-Fine	2 nd & 4 th Tuesday at 6:30 PM
T-Canton	1 st & 3 rd Wed. at 4 PM 2 nd & 4 th Wed. at 7 PM	T-Fowler	2 nd & 4 th Wed. at 6 PM
V-Canton	Tuesday at 10 AM	T-Gouverneur	Every Thursday at 10 AM
T-Clare	2 nd & 4 th Thursday at 6 PM	T-Hammond	Every Thursday at 7 PM
T-Clifton	1 st & 3 rd Wed. at 7 PM	T-Hermon	1 st & 3 rd Friday at 5:30 PM
T-Colton	2 nd & 4 th Tuesday at 7 PM	T-Hopkinton	Every Wed. at 8 PM
T-Dekalb	Every Tuesday at 7:30 PM	T-Lawrence	Every Tuesday at 7 PM
T-Depeyster	1 st & 3 rd Tuesday at 7 PM	T-Lisbon	1 st & 4 th Tuesday at 7 PM
T-Edwards	Every Tuesday at 6 PM	T-Louisville	1 st & 4 th Wed. at 7 PM

Court	Hours	Court	Hours
T-Macomb	2 nd Thursday at 7 PM	T-Piercefield	1 st & 3 rd Thursday at 7 PM
T-Madrid	2 nd & 4 th Tuesday at 7 PM	T-Pierrepoint	1 st & 3 rd Wed. at 7 PM
T-Massena	Every Wed. at 1:30 PM and 6 PM	T-Pitcairn	1 st & 3 rd Thursday at 7 PM
V-Massena	Every Tuesday and Wed. at 1:30 PM	T-Potsdam	Every Thursday at 9:30 AM
T-Morristown	1 st & 4 th Thursdays at 4 PM	V-Potsdam	Every Wed. at 9:30 AM
T-Norfolk	Every Wed. at 7 PM	T-Rossie	1 st & 3 rd Wed. at 7 PM
C-Ogdensburg	Every Monday at 9 AM and 1 st & 3 rd Thursday at 8:30 AM	T-Russell	1 st & 3 rd Wed. at 7 PM
T-Oswegatchie	1 st & 4 th Wed. at 6 PM	T-Stockholm	1 st & 3 rd Wed. at 7 PM
T-Parishville	1 st and 3 rd Tuesday at 7 PM	T-Waddington	1 st & 3 rd Wed. at 6-8 PM

6.) Do you have a lawyer present at each regularly scheduled session?

No, it is not possible. There are too many courts and too few Assistant District Attorneys. Additionally, St. Lawrence County is the largest county geographically in the state, making it difficult to cover multiple courts that meet at the same time.

Do you have a special bureau to handle the cases?

No, there is no special bureau. The number of attorneys in the office does not allow for “bureaus” as you would see in larger offices.

7.) Does more than one court meet for regularly scheduled sessions at the same time?

Yes, there are several times when more than one court meets at the same time.

If so, are there enough assistant district attorneys to cover all of the courts?

No, it is impossible for this office to cover all of the local courts every time they are in session, we do not have enough attorneys.

If not, is there an assistant available by phone?

All of the courts have access to an on-call list.

8.) What is the greatest distance in travel time between the prosecutor’s office and a justice court?

Just over an hour.

How many courts require more than twenty miles to reach from the office?

29 out of 36 courts in the county are more than 20 minutes away from the office.

If the situation makes it difficult to staff and administer your business in the courts, would consolidation of courts help or simply create other equally difficult problems?

Consolidation is painfully overdue in St. Lawrence County.

9.) Do you delegate cases to other officials, such as the town attorney?

No. However, our office has not traditionally prosecuted violations of local ordinances, instead leaving that to the municipal attorneys.

If so, is there a procedure for doing that? What about VTL cases?

There is no procedure, as such, in place for delegating the prosecution of violations of local ordinances to the municipal attorneys, it has just been a long accepted practice in the county that those matters are prosecuted by the City, Town or Village Attorney.

To ensure some level of consistency throughout the county our office handles all plea bargains and trials on V&T matters. We currently receive 7000+ requests for V&T reductions each year.

10.) *Does the town attorney have its own calendar of criminal cases?*

Generally speaking, the municipal attorneys do not have their own calendar of criminal cases. They do, however, prosecute the local ordinance violations as they arise.

What are some examples of subject matters?

Anything covered by local ordinance. Such matters vary among localities and include things like improper fencing of junk yards, dogs at large, parking, etc...

11.) *When a person is arrested and brought before a justice for arraignment at a time that court is not regularly in session, is your office called to make an appearance?*

No. Our office is only called on felonies for bail recommendations.

Is defense counsel called, are they present or assigned?

Defense counsel is not typically called and is usually not present for arraignments after hours, but indigent defendants are given an application to apply for Public Defender services at that time.

Is bail set?

If necessary, yes.

What factors are considered in setting the adjournment date if the defendant is remanded?

If the defendant is remanded the matter is generally placed on the calendar for the next court session.

12.) *Are hearings and trials set for evening or day time hours?*

Hearings and trials are set at varying hours in order to accommodate some justices' schedules. Trials have begun at 6:00pm and gone well past midnight. Other courts have trials over the course of two or three nights.

13.) *Of what proceedings is a record made?*

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 sparse 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.

Do you use your own reporter? Do you use tape recorders?

This office only employs a reporter for Grand Jury purposes.

We do not bring recording equipment with us to local court appearances and most courts, until the recent changes made by Judge Kaye, did not always have recording equipment available and if they did it was rarely used.

14.) *What problems do you face in practicing in justice courts?*

There are too many to list, but here are a few highlights:

- Too many courts, too few prosecutors. This can be especially problematic when trying to meet the time deadlines for preliminary hearings.
- Poorly trained justices - not necessarily because the training offered is bad but because many non-lawyer judges aren't able to grasp a lot of what they are taught and the training is not enough to make up for the lack of a law degree.
- The legal issues are often lost on non-lawyer justices because they just fail to understand them.
- Telling a defendant an adjournment to plea bargain with the prosecutor is a waste of time because it's the judge's court and what the judge says goes.
- Courts issuing orders of protection to both parties when the court only has jurisdiction over the one that was charged.
- Illiterate justices who struggle to write a letter and are even less able, and therefore less likely, to write a decision or order.
- Fear by many justices of conducting jury trials, resulting in cases sitting until they are so old they can no longer be prosecuted.
- Trials that start in the evening and go until 3:00a.m. or longer.
- Trials in courts that are an hour away from the office which start in the evening and are conducted over the course of two or three nights. We had such a trial recently with a defendant and a victim who were both from out of the area and had to travel and obtain lodging at considerable expense in order to accommodate the justice's day job.
- Frequent ex parte communications which are exacerbated by the number of courts versus the staffing levels in prosecutors offices.
- Justices that have great difficulty preparing returns on appeals.
- Justices who lack an understanding of the rules of evidence.
- Justices trying to manipulate the plea bargain process by speaking directly with the arresting agency about the merits of a pending matter.
- Justices who, despite having been awarded grant money for additional equipment, do not use that equipment - we have judges afraid to use computers.
- Motions that sit, undecided, because part time justices don't have the time or aren't at ease with researching the issues presented or writing a decision.
- Justices who are reluctant to use the City, Town and Village Courts Resource Center, despite having the number and being encouraged to call.
- Difficulty getting certificates of conviction in order to prosecute enhanced offenses.
- Difficulty getting dispositions on closed cases.
- No court security.

15.) *What would you suggest to improve the process?*

Revamp the entire system. It is horribly out of date, and for the most part, ill equipped and under funded to deal with the issues before it.