

# **Restructuring the Judiciary Village of Lake Placid / Town of North Elba**

## **A Summary**

### Current Situation

The Courts of the Town of North Elba and the Village of Lake Placid currently consist of 2 Town Justices, 2 Village Justices, one Town Court Clerk, and one Village Court Clerk. This structure has been in place since 1974. These Courts hear cases involving violations of local laws such as parking and zoning, traffic laws, misdemeanors, small claims, and evictions. While the vast majority of cases are resolved through plea agreements each judge also presides over motion hearings and trials. In addition to these duties local courts are the preliminary courts for felony offenses and justices may be called at any time, day or night, to preside over arraignments involving more serious offenses.

Individual Judges handle approximately 2,000 cases per year. At any point in time the portfolio of each Justice contains about 20 misdemeanor cases. These tend to take up the most Court time.

The Town Court Justices schedule 4 sessions per month. The District Attorney and the Public Defender are represented at 2 of these monthly sessions. Those sessions are 3 hours long. The remaining 2 evenings are essentially traffic courts and are each 2 hours in length. Evictions, small claims and arraignments are generally handled outside of the regularly scheduled Court hours. The Town Courts, then, are scheduled to meet 6 hours a month with an Assistant District Attorney in attendance and 4 hours a month without the District Attorney's representation.

The Village Courts have 8 sessions each month for a total of 16 sessions. These are scheduled 2 times a week for 2 hours each. The District Attorney's office is present 4 sessions each month. This calculates to 16 hours of Village Court sessions per month and the District Attorney and the Public Defender's Offices are present at half of them.

### Analysis of Current System

This system has worked well in the past, and continues to function fairly effectively at this time. There are, however, some developments to suggest it is time to examine how the system might be restructured.

First of all there is a growing awareness and concern with consolidation of services. A study completed by the Center for Government Research in 2008 looked at all government functions carried on by the Town of North Elba and the Village of Lake Placid. The study recommended, among other things, a reduction in the number of judges and a combination of the offices of the Town and Village Court Clerks. They pointed out that jurisdictions with similar caseloads had fewer justices. That study also noted the potential savings were limited, but that such a restructure would lead to efficiencies and better service to the taxpayers. This recommendation was included in the Comprehensive Plan adopted in 2014.

Secondly, a change in the Criminal Procedure law requires all "not guilty" traffic pleas to be negotiated before a trial can be scheduled. The result, especially in the Town Courts, is many people accused of a traffic offense have to appear in court twice before a trial can even be scheduled. This is because their original appearance date is for a session where the District Attorney's office is not represented. There is no negotiator representing the People present at that time.

The most dynamic event is that 2 justices and one court clerk, representing 50 % of the local judiciary, are retiring by January of 2016. Since the term of a Justice cannot be altered once it is filled this provides a unique opportunity. Under State Law it is much easier to create a position of Justice rather than to abolish an existing one.

### Actions

While these changes were taking effect an Efficiency Study Group was created by the Lake Placid / North Elba Development Commission in September 2014. This committee consists of equal representation from the Town and Village. It is charged with seeking areas of consolidation and looking for ways to make all government operations more efficient. The establishment of the Group was a by-product of work sessions and Public Hearings regarding the adoption of the new Comprehensive Plan. Both the Town Board and the Village Board passed resolutions supporting the initiative.

After some study the Efficiency Group approached the Village Board and recommended they take advantage of the pending retirements. The Village Board was informed of the actions necessary to move forward with consolidation. These actions would allow a restructure to occur in 2015. If no actions were taken at this point it would be 2019 before the issue could be revisited. In January of 2014 the Village Board adopted those recommendations with an eye to establishing a new judicial structure.

The restructure involves moving toward the abolition of the Village Court by changing one of the elective Village Justice positions to an Acting Justice. This would enable the eventual abolishment of the Village Courts. The Town Courts will absorb the additional cases. If the restructure does not appear to work the Village Board fully intends to re-establish the Village Court system. While there is good reason to believe it is possible for the Town Courts to absorb the cases of the Village Court, it is not possible at this time to envision the new Town Court structure. The principal of separation of powers leaves all decisions regarding Court schedules and structure up to the justices involved. The legislature, in this case the Town or Village Boards, cannot interfere with their independence. The Town Justices will establish the new Town Court structure as they deem best.

Consolidation of the Town and Village Court Clerk offices, however, is not contingent upon terms of office and can happen at any time. With two separate entities each Court Office is open for limited hours and if either clerk is absent due to illness or granted leave that particular office is shut down. If the offices were combined the two clerks working in one office would allow for more flexibility and enable one clerk to cover for the other. As a result the new combined Court Clerks Office could provide more convenient hours for constituents and would be in a better position to handle leaves and emergency absences.