

# THE BAR ASSOCIATION OF NASSAU COUNTY

Report and Recommendations of the Justice Courts Task Force



# THE BAR ASSOCIATION OF NASSAU COUNTY



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September 10, 2007

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The Special Commission on the  
Future of the New York State Courts  
c/o Carey R. Dunne  
Davis Polk & Wardell  
450 Lexington Avenue  
New York, New York 10017

Re: Bar Association of Nassau County's  
Justice Courts Task Force Report

Dear Mr. Dunne:

Enclosed you will find the report and recommendations of the Bar Association of Nassau County submitted in response to the Commission's Notice of Public Hearings and invitation to express comments and make recommendations for the improvement of our New York Court system Justice Courts by September 25, 2007. Our Task Force approached the topic with great enthusiasm and has the approval of our Bar Association to submit its comments at the September 11, 2007 hearing.

The officers, directors and members of our Bar Association want justice to be dispensed with uniformity throughout New York State thereby protecting the constitutional rights of all who seek justice from our Court system. I was privileged to appoint as Chair of the Justice Courts Task Force the Hon. Elizabeth D. Pessala, Associate Justice of the Village of Westbury. She has led with distinction this group of 16 distinguished Association members who are experienced practitioners familiar with the justice courts and village government. The Task Force met on several occasions during this summer engaging in numerous discussions on various aspects of the current justice court system. Also, our Board and general membership were invited to attend a meeting and to submit written comments. The comments and recommendations have been compiled into this final report for your review and utilization in your effort to recommend improvements to the justice court system.

The Bar Association of Nassau County sincerely thanks the Commission for the opportunity to submit our Justice Courts Task Force Report and to testify at the September 11, 2007 hearing.

Very truly yours,

Lance D. Clarke  
President



SERVING OUR MEMBERS, OUR PROFESSION AND OUR COMMUNITY SINCE 1899

## TABLE OF CONTENTS

	<u>Page No</u>
INTRODUCTION	1
BACKGROUND	1
REFORM AND IMPLEMENTATION	3
RECOMMENDATIONS SUBMITTED FOR NCBA ENDORSEMENT	7
ADDITIONAL ISSUES	8

### Appendix 1

The City of White House, 979 S.W.2d 262 (Tenn. 1998)

North v. Russell, 427 U.S. 328, 96 S.Ct. 2709 (1976)

People v. Charles F., 60 N.Y.2d 474, 458 N.E.2d 801,  
470 N.Y.S.2d 342 (1983)

N.Y. Crim. Proc. L. § 170.25

**September 6, 2007**

**THE BAR ASSOCIATION OF NASSAU COUNTY'S  
JUSTICE COURTS TASK FORCE REPORT**

The purpose of the Justice Courts Task Force of the Bar Association of Nassau County (NCBA) is to comment on the Office of Court Administration's Action Plan for the Justice Courts ( November 2007) and its effect on our members. NCBA President Lance D. Clarke also requested that the Task Force enumerate any issues relevant to NCBA members that should be considered by the Special Commission on the Future of the New York State Courts, in the discussion of Justice Court reform. It is President Clarke's goal to present this report during hearings being conducted this month, and for inclusion in the Special Commission's final report.

President Clarke appointed members to this Task Force based upon their knowledge, experience and familiarity with these tribunals, having served as Village Judges, prosecutors, defense attorneys and/or village trustees or officials. The Task Force is comprised of Elizabeth Pessala, Chair; Susan Katz Richman, Vice-Chair; Robert G. Bogle, Peter I. Cavallaro, Lance D. Clarke, William J. Croutier, Jr.; La-Keshia Dandy, Gerard Fishberg, Daniel C. Gibbons, Alan B. Hodish, Steven G. Leventhal, A. Thomas Levin, Elaine Quinones, John P. Reali, Alan J. Reardon, Michael A. Santo and Herbert J. Tamres.

**Background**

As noted in the February 2007 report by The Special Commission on the Future of the New York State Courts, there are presently 1,277 Town and Village

