

## There's no business like court business

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**J**an. 1, 2012 is a date that will live in Westchester County history. Let me explain.

On Jan. 1, 2012, the town of Ossining, and the village of Ossining, combined their two separate Justice Courts, into one.

On July 18, 2011, Gov. Andrew Cuomo had signed legislation that abolished the village's Justice Court and merged it into the town's Justice Court.

The court consolidation will inconvenience no one.

The Ossining Town Justice Court and the Ossining Village Justice Court were in the Ossining Municipal Building at 16 Croton Ave., in the village of Ossining and shared a courtroom. The clerk's offices for the two courts were across the hall from each other, causing constant confusion to the many litigants who would mistake the Town Justice Court for the Village Justice Court, and vice versa.

Let me explain: The village of Ossining is within the town of Ossining. It's easy to confuse Ossining the village and Ossining the town, which also includes 87 percent of the village of Briarcliff Manor.

Towns and villages have justice courts, which hear civil cases (\$3,000 limit), landlord-tenant disputes, local code enforcement, traffic violations and some criminal cases. Westchester has 34 justice courts.

Westchester's six cities have city courts, which have the same jurisdiction as justice courts, but with a \$15,000 limit.

Justice court judges are elected to four-year terms. The town of Ossining Justice Court now has three part-time judges, the same number as before consolidation, which entailed no layoffs of court personnel.

Assemblywoman Sandy Galef sponsored the Ossining court consolidation bill.

"I introduced legislation last year at the request of the town and village of Ossining so they could move forward with their plan to combine their local courts. This new law was an innovative approach and is an example of how to create efficiencies while continuing to provide important court services," Galef said. State Sen. Suzi Oppenheimer co-sponsored the bill.

Supreme Court Justice Alan Sheinkman is the administrative judge for Westchester and adjacent counties.

"It seemed apparent that there could be economies achieved by combining the Ossining town and village courts. We helped overcome technical issues to consolidate the two courts. This is the sort of voluntary combination that should be the hallmark of government these days," Sheinkman said.

The good news is that the Ossining court consolidation will save \$161,000 in operating costs, according to the 2012 Town Court Estimated Budget.

The bad news is that the court will cost the town of Ossining \$458,000 more to operate than it will earn in fees and fines; in 2011, the town "lost" only \$262,000 on its court, pre-consolidation. That's because, although it lost its court, the village kept part of the traffic violation fines. Court merger proponents had said that the financial benefits would be long-term.

Justice and city courts are "local courts" – in New York, the (countywide) supreme court has general trial jurisdiction. New York state pays for city courts and trains its judges (who must be lawyers); towns and villages pay for justice courts, whose judges are not required to be lawyers.

Westchester has 40 local courts; the

Bronx, with a larger population, has only two local courts – criminal court and civil court (\$25,000 limit).

The Special Commission on the Future of New York State Courts concluded in a September 2008 report, "If anyone were to design on a clean slate a new system of local courts, it would not be structured like the justice court system that we have today."

In a Sept. 26, 2006 New York Times story about the problematic justice courts, William Glaberson reported, "In Mount Kisco, people who asked for the court's sympathy were treated to sarcasm: Justice Joseph J. Cerbone would pull out a nine-inch violin and threaten to play."

According to former Ardsley Mayor Sam Abate, a litigator who is a partner at the Manhattan office of Pepper, Hamilton, "Of all the local government consolidation opportunities in Westchester, merging the courts makes the most sense. It affects fewer people service-wise and it's very practical to do."

He's right. Westchester could adopt the Uniform District Court Act, as Nassau County has done, and eliminate the town and village justice courts. That would be hard to do. But it's worth considering.

Businesses depend on courts that are fair and fast. No one wants to buy rental property in jurisdictions whose local court judges make it difficult and expensive to evict nonpaying tenants, for example.

Think about it.

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