



SENATE STANDING COMMITTEE ON THE JUDICIARY
ASSEMBLY STANDING COMMITTEE ON THE JUDICIARY
PUBLIC HEARING ON COURT CONSOLIDATION

Thursday, November 21, 2019, 10:30 a.m.
Legislative Office Building, Hearing Room A

WRITTEN TESTIMONY OF AMELIA T.R. STARR
CHAIR, THE COMMITTEE FOR MODERN COURTS

Good morning and thank you for providing Modern Courts an opportunity to present testimony on the issue of court simplification and consolidation. I am the Chair of Modern Courts and on behalf of our Board and staff I want to offer our thanks to Chair Hoylman and Chair Dinowitz for convening these hearings and to all the members. With me today, is Denise Kronstadt, our Deputy Executive Director and Director of Advocacy and Policy who has been instrumental in our work on the court consolidation issue.

Modern Courts is a non-partisan, independent, statewide court reform organization that advocates for the improvement of the New York State court system and for ensuring a diverse, highly qualified and independent judiciary. Our advocacy and lobbying efforts, citizens' court monitoring programs, support for projects that improve access to justice, current issue-based forum development, and collaboration with civil legal service and criminal justice organizations, provide the means by which Modern Courts achieves a wide range of improvements in the administration of justice in our courts.

Our support for the Chief Judge's court consolidation proposal is grounded in our belief that court simplification will make the court system better for those who use the courts – families burdened by having to appear in multiple court

venues; unrepresented individual with few if any resources; survivors of domestic violence; and others with limited financial means.

In other words - your constituents.

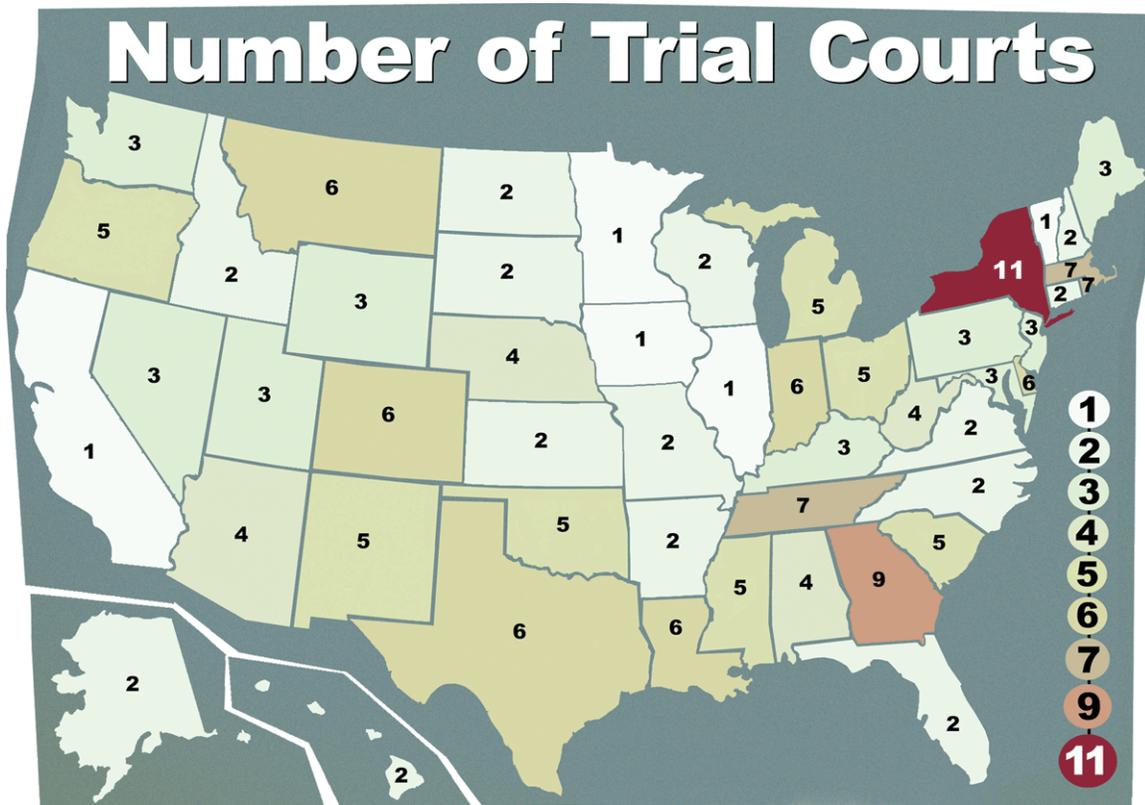
Reforming one branch of government to make it accessible, navigable and trusted by all New Yorkers is not an easy task, but with your leadership we are convinced it can be accomplished. This Legislature has demonstrated its commitment to a more fair justice system as evidenced by the successes of the 2019 session. Passage of this court simplification proposal is the logical next step in this Legislature's march towards a more accessible and open justice system for all New Yorkers.

Over the past six months, Modern Courts has organized the Simplify the Courts! Coalition composed of organizations from all parts of the state focused on the critical goal of simplifying the New York State court system. A list of the coalition members is attached to this testimony. The Coalition is independent, representing a wide variety of perspectives and interests. Most of its members live and work every day with the New York trial, family, civil, criminal and housing courts.

The Coalition supports simplification to ensure that the people most impacted by the courts have a voice and a seat at the table. Modern Courts, in partnership with the Coalition, is focused on raising awareness and understanding of how the current structure discriminates against the most vulnerable in our state, by making the resolution of legal issues harder, prolonging matters that directly impact peoples' lives, safety, economic and personal security. In particular, unless the jurisdiction of the Family Court is broadened, as this proposal does, there will always be parallel proceedings in Supreme Court and Family Court, which especially hurts people of limited means. We believe that the content of the proposal and the inclusion of a five year implementation period provides the most practical and intelligent way to reform our court system.

I have with me today, for your review, letters from many of our coalition members in support of court simplification. Many more letters will be coming over the next few weeks.

In addition to forming the Simplify the Courts! Coalition, Modern Courts has studied efforts in other states to restructure and simplify their courts. Our work revealed that New York has more trial courts than any other state in the nation. As you can see on the chart below, New York has 11 separate courts. Most other states have far fewer. New York's court system stands out as overcomplicated, creating confusion and burdens all litigants.



New York is alone in maintaining such a complex court structure made up of so many overlapping trial courts with limited jurisdiction.

New York	11	Utah	3
Georgia	9	Washington	3
Massachusetts	7	Wyoming	3
Rhode Island	7	Alaska	2
Tennessee	7	Arkansas	2
Colorado	6	Connecticut	2
Delaware	6	Florida	2
Indiana	6	Hawai'i	2
Louisiana	6	Idaho	2
Montana	6	Kansas	2
Texas	6	Missouri	2
Michigan	5	New Hampshire	2
Mississippi	5	North Carolina	2
New Mexico	5	North Dakota	2
Ohio	5	South Dakota	2
Oklahoma	5	Virginia	2
Oregon	5	Wisconsin	2
South Carolina	5	California	1
Alabama	4	D.C.	1
Arizona	4	Guam	1
Nebraska	4	Illinois	1
West Virginia	4	Iowa	1
Kentucky	3	Minnesota	1
Maine	3	Puerto Rico	1
Maryland	3	Vermont	1
Nevada	3	Virgin Islands	1
New Jersey	3		
Pennsylvania	3		

Other states faced similar structural challenges and were able to successfully address them through restructuring their court systems. For example, California adopted a single trial court throughout the state in 1998. A study of California's current judicial model, conducted by the American Institutes for Research (AIR), found that court simplification resulted in:

- Improved use of resources: judges have flexibility in being assigned to cases through the removal of jurisdictional constraints and flexibility in case type.
- Greater efficiency of court operations: improved case management practices reduce backlogs and improve time to disposition, standardization of rules, and case processing.
- Enhanced quality of service: increased accessibility of courts and more cost-effective use of staff allow for expansion of programs to serve juveniles and domestic violence survivors.

Other benefits experienced by California include: more cooperation between the judiciary and other branches of government, enhanced opportunities for innovation, and greater accessibility and accountability of the courts.

If court simplification is adopted here, New York will see similar benefits, including:

- Simplification would end a system created in the 19th century that works against equality and dignity for every New Yorker who enters the courtroom.
- It would create a more streamlined court system that has the authority to better distribute resources and to provide them where they are needed the most, reduce court appearances and give all litigants a better and more equal justice system.
- Interrelated issues could be decided in one court.
- There would be more judges in civil and criminal courts, and more judges in the system overall.
- There would be opportunities for greater diversity and expertise in appellate courts.
- A 5-year implementation period would allow an orderly process for change; and
- Court procedures could be standardized.

To provide justice today, we must modernize the New York State court system. A healthy democracy requires a judicial branch that is accessible, navigable and trusted by all New Yorkers.

Thank you.

Amelia T.R. Starr
Chair, Committee for Modern Courts

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