

New York State Town and Village Justices

A TRADITION OF SERVICE TO COMMUNITY

When our nation's founders developed the framework of our judicial system over 200 years ago, they could scarcely have imagined the challenges facing modern society. Yet throughout our history, from state and national constitutions to landmark Supreme Court decisions, the judicial branch has remained a stabilizing force in American society.

Nowhere is this more evident than with **New York State's Town and Village Justices**. Everyday, these men and women make important decisions affecting the lives of thousands of our neighbors.

This information has been written to help educate our state's communities about Town and Village Justices and further enhance the vital relationship between Magistrates and other municipal agencies.

CLEARING UP MISCONCEPTIONS

Whether on a local, state, or federal level, the Judicial Branch of government is a separate, equal and distinct branch. Not too long ago, Town Justices were also members of the Town Board, playing an integral part in the day-to-day operation of Town Government. Now, for ethical reasons, Justices are no longer members of the Town Boards.

JURISDICTION

Justice Courts have a very broad, but limited jurisdiction in matters affecting the local community. It is for this reason that Justice Courts are often called, "**the courts closest to the people**" and are readily accessible geographically to the citizens.

Civil jurisdiction of a local Town or Village Court is limited to \$3000. In landlord/tenant proceedings, however, the monetary jurisdiction is unlimited. Cases can be filed in either the regular Civil Part or Small Claims Part of the Court.

New York Town and Village Courts have criminal jurisdiction over all misdemeanors, violations, and infractions, together with arraignment and preliminary jurisdiction over felonies. Jury trials are conducted when required by law.

FAMILY OFFENSES PROCEEDINGS

The local Town and Village Courts have concurrent jurisdiction over certain offenses committed between family and household members (related by blood or marriage, former spouses, a child in common, etc), such as disorderly conduct, harassment, menacing, reckless endangerment, and certain assaults. The complainant may proceed in both local

criminal court and Family Court at the same time.

QUALIFICATIONS

The position of Town or Village Justice is not one that either the State or the Justices take lightly. In addition to local elections, Magistrates must comply with uniform statewide standards. Justices are considered to be local, as opposed to state, elected officials. Two justices are elected in each town to four-year terms.

Presiding on a part-time basis, Town Justices are not required to be lawyers. Each Town Justice, while considered to be part-time, however, is actually on-call 365 days per year, 24 hours per day. It is not unusual for a Town Justice to be called upon for an arraignment during the middle of the night.

RESPONSIBILITIES

All Justices are required to keep accurate, legible records of all proceedings, and at least annually submit case dockets for examination and audit to the Town Board. All Justices Courts must account for and send all fines and fees collected by them to the New York State Comptroller by the 10th day of every month.

Justices must complete not only basic training, but also 12 hours of annual classroom training, which is followed by a written examination for non-attorney Justices. The town or village pays for all costs and expenses to meet these requirements.

LOOKING TOWARD THE FUTURE

Local courts handle the largest number of cases coming before the State's court system, and contribute greatly to State and local government. In the fiscal year 2001/2002, Town and Village Courts collected, approximately \$155,667,000, of which approximately \$62,117,000 was retained by the municipalities. Due to electronic filing, the town or village retains the funds and only sends the portion that is required by the Justice Court Fund.

Unlike the executive and legislative branches, however, the judicial branch does not have the power to finance its operations, raise taxes or otherwise support itself. It relies upon the Town and Village Boards for the funding of facilities and staff. It has long been the goal of the local courts to serve the people by providing justice --- substantial, timely, and equal justice --- and to fulfill the notions of a separate, independent judicial branch as set forth by our forefather in the Constitution. To do this, Town and Village Justices must be given reasonable and necessary funding to support an independent judiciary --- one that is not subservient to other municipal branches.

COURT CLERKS

Where caseloads warrant, it is appropriate to authorize one or more support staff under the title of Court Clerk. While much of a Court Clerk's responsibilities center on record keeping and the handling of monies taken in by the Court through fines and fees, Court Clerks handle correspondence, prepare the court calendar and issue certain case related processes. An experienced Court Clerk can lift the burden of clerical detail from the Justice, although it is the Justice who is ultimately responsible for all the clerk's activities and functions. Court Clerks, however, are not permitted to give legal advice.