

However, if a village has one justice, the village Board must appoint an “acting justice” to serve as directed by the elected village justice.

Justices are required to audio or steno graphically record all court proceedings, and keep accurate, legible records. At least annually they must submit case dockets for examination and audit to the Town Board. Justices must account for all fines and fees collected by them to the New York State Comptroller by the 10th of every month. Justices must complete not only basic training, but also at least 12 hours of annual training. Justices who do not have a law degree must pass a written exam annually. Many justices significantly exceed the annual training requirements. Costs and expenses to meet these training requirements are subject to appropriate approval and are the responsibility of the town or village.

There are strict rules limiting the manner in which justices may campaign for their positions, as well as their participation in local, state and national politics. These rules, combined with those governing behavior while in office, help maintain the independence, dignity and integrity of the court system.

Looking Toward The Future

Local courts handle millions of cases each year and contribute greatly to the funding of State and Local governments. In 2007, Town and Village Courts collected \$217,372,233 in fines, penalties or other revenue. \$109,623,924 were returned to or retained by our Towns and Villages and \$11,078,259 were distributed to counties. \$96,670,050 were sent to the State.

Unlike the executive and legislative branches, the judicial branch does not have the authority to

finance its operations, raise taxes or otherwise support itself. It relies on town and village boards for the funding of facilities and staff. It has long been the goal of 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 forefathers 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 the other municipal branches.

About The New York State Magistrates Association

The New York State Magistrates Association is an organization of approximately 3,150 sitting and retired town and village justices. There are approximately 2,200 positions of Town and Village Justice statewide filled by men and women from the local communities in which they serve. Some of the justices sit as both a town and village justice. Town and village justices make up approximately 2/3's of all sitting Justices in the State of New York Unified Court System.

Court Clerks

Where caseloads warrant, it is appropriate to authorize one or more support staff under the title of court clerk. One Town in Erie County has 18 court clerks. 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, Clerks handle correspondence, prepare the court calendar and even issue certain notices of petition and judgements. 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 work performed by the clerk.



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NEW YORK STATE

Town & Village Justices



A Tradition Of Service To Community

When our nation's founders developed the framework of our judicial system over 230 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. There are 1277 justice courts in New York State. Every day, local justices make important decisions affecting the lives of thousands of our neighbors.

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. For ethical reasons, justices are no longer members of the Town Boards. While this development has been good for judicial integrity, it has created a situation where the duties, powers and responsibilities of the Judicial Branch are often misunderstood by other municipal branches.

All too often, it is assumed that town and village justices merely preside over traffic court, or help resolve the most minor disputes. In fact, the jurisdiction of the local

courts is, as discussed below, much more extensive. Understanding the jurisdiction of the town and village courts would help to eradicate the misconception that the judicial branch is less than equal to the executive and legislative branches.

In a very practical sense, this misunderstanding has led to the under funding of Town and Village Courts in some locations, which restricts the court's ability to keep pace with its workload and to carry out the duties vital to its local community.

Realm of Jurisdiction

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

Civil jurisdiction of a local town or village court is currently limited to \$3,000.00 (The New York State legislature has considered increasing this amount to \$5,000.00. In landlord/tenant proceedings, however, the monetary jurisdiction is unlimited. Actions can be filed in the regular civil part.

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Individuals can also file actions in the procedurally more relaxed small claims part of the court. New York State Town and Village Courts have criminal jurisdiction over all misdemeanors, violations, and infractions. They have arraignment and preliminary jurisdiction over felonies. Jury and single judge trials are conducted. The most common laws violated or governing the processes followed in justice court are listed in the chart on the next page.

Family Offense Proceedings

The local town and village courts and family courts have concurrent jurisdiction over certain offenses committed between members of the same family or household - related by blood or marriage, former spouses, a common child, etc. - such as disorderly conduct, harassment, menacing, reckless endangerment, certain assaults.

The complainant in these matters may proceed in both local criminal court and family court at the same time. A local criminal court has authority to issue temporary family court orders of protection, receive family court petitions and may modify family court orders of protection when the family court is not in session.

Qualifications

The position of town or village justice is not one that the State or the justices take lightly. In addition to local election laws, justices must comply with uniform statewide standards. Justices are considered to be local, as opposed to state, elected officials. They preside on a part-time basis, they are not required to be lawyers. Two justices are elected in each town to four year terms. Villages may have no more than two justices elected to a four year term.

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The Most Common Laws or Types of Cases:

ALCOHOLIC BEVERAGE CONTROL LAW
CIVIL PRACTICE LAW & RULES
CONTRACT LAW
CRIMINAL PROCEDURE LAW
DOMESTIC RELATIONS LAW
ENVIRONMENTAL CONSERVATION LAW
(HUNTING-FISHING-LICENSING-POLLUTION)
FAMILY OFFENSES (SPOUSAL ABUSE)
LOCAL LAWS & ORDINANCES
MENTAL HYGIENE LAW
NAVIGATION LAW
PARKS & RECREATION LAW
PENAL LAW
PUBLIC HEALTH LAW
REAL PROPERTY ACTIONS &
PROCEEDING LAW
SMALL CLAIMS LAW
TAX LAW
THRUWAY RULES & REGULATIONS
TRANSPORTATION LAW
UNIFIED JUSTICE COURT ACT
VEHICLE AND TRAFFIC LAW