

**CITIZENS'**

**COURT PROJECTS**

**MANUAL**

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MANUAL**

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The Fund for Modern Courts, Inc., a nonpartisan, nonprofit, statewide court reform organization, is concerned with the quality and administration of justice in New York State. The Fund researches the problems confronting the state court system and sponsors programs educating the public about the courts and the urgent need for improvement.

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## INTRODUCTION

*... all parts of the criminal justice system can benefit from the special knowledge and points of view of those outside it.*<sup>1</sup>

The Fund for Modern Courts, Inc., during 1975, initiated an 18 month citizens' project in the criminal courts of the State of New York. This project, designed to recruit and train citizen volunteers to monitor and to formulate recommendations about the overall operations of the criminal courts, was among the forerunners of direct citizen involvement in the criminal justice system.

Following the completion of this project, the Fund, through grants from the New York State Division of Criminal Justice Services, New York Community Trust and the New York Foundation, extended and expanded citizen participation in the state courts.

Between 1976 and early 1979, the Fund recruited and trained over 2,000 citizens in over twenty areas of the state to monitor Family Court proceedings, to initiate a pilot information booth project in the Family Court of three counties, and to conduct a physical facilities survey for the State Office of Court Administration in twelve Family Court facilities throughout the state.<sup>2</sup>

The purpose and intent of this manual is to not only share the experience and expertise gained through the Fund's efforts, but more importantly to convince citizens that they need not and indeed should not stand outside the court system. The presence and active involvement of concerned citizens within the system increases accountability of the court personnel, opens lines of communication between the public and the judiciary, brings to light problems and complexities of the system which may go unnoticed by those inside it, and provides a vital resource by enhancing, complementing and enriching existing services. As the noted jurist Felix Frankfurter said in 1922, "The system is judged not by the occasional dramatic case but by its normal, humdrum operations."

It should be emphasized that the projects outlined in this manual are designed for volunteer lay persons. Therefore, the results of these projects will not yield sophisticated data or recommendations concerning complex administrative and managerial techniques; these projects will however present the viewpoint of the citizen and how the system and operations of the courts affect the public.

It is hoped that through this manual and the concern of the citizen that the criminal justice system will become a better and perhaps, more responsive vehicle for the public. The importance of citizen involvement cannot be over-emphasized. As Robert McKay, former dean of New York University Law School said, "If war is too important to be left to generals, then justice is too important to leave to lawyers."

## **I. Initiating and Organizing Citizens Participation Projects in the Courts**

The areas discussed in this first section of the manual are common to all the projects which are discussed in this manual. Certain modifications may be appropriate, e.g., a physical facilities survey may not require an Advisory Board. However, the initial organizational and administrative procedures should be carefully planned and carried on in order to insure not only the success of a project but to establish the credibility of the project in the community and the court system.

### **A) Steering Group**

The steering group for any project may consist of members from an ongoing civic or community organization with specific or general interests in the criminal justice system or an ad hoc group formed for a specific court project or one designed to provide a direct service. The basis for any steering group, however, should be a recognition of and commitment to improving the functioning of the courts through citizen involvement.

The basic function of the steering group is to decide what type of project or projects may be appropriate for their community. The group may also investigate whether the project should be short-term, for example, monitoring only certain types of cases in a specific court, or a more permanent ongoing effort such as information services or continual monitoring of the courts.

Once the decision has been made as to what focus the project will have, one person should be designated as the coordinator for the project. This person should be someone who has been active and effective during the initial formation of the project, is knowledgeable in the project area and is able to spend time developing, following through on and completing all phases of the project.

### **B) Advisory Board**

The next step for any project is to establish an Advisory Board. This board, which should consist of six to ten persons, will be the policy-making body for the project.

The Advisory Board should consist of persons who are knowledgeable in the court system. In addition, members of the Advisory Board should be people who are involved in their community. Some Advisory Board members who have been particularly helpful to local projects have been: a newspaper reporter or editor, a community college professor of criminal justice, a League of Women Voters' president or other recognized civic leader, local attorneys, retired police and probation officers. Care should be exercised so as not to choose a person too closely involved with the project, e.g., a district attorney, judge or public defender may be an inappropriate member if it is a court monitoring project.

The Advisory Board should meet on a regular basis (at least once a month) throughout the life of the project.

The existence of this body is extremely important and beneficial to any type of court project because it brings into the effort important individuals who represent key links to the community as well as special expertise to the project.

### **C) Goals**

It is critical that as early as possible the steering group and Advisory Board agree on the project goals since the development and administration of any project depend on them.

Successful projects have several things in common:

1. The goals are set early in the project. They are not too broad and are attainable within the time available and the capabilities of the volunteers. (If the group intends to do future projects it may be useful to roughly define these in order to give the volunteers a more useful and interesting orientation.)

2. The goals are clearly defined in writing.

3. The goals are continually referred to when designing the project format, recruiting volunteers, and designing and writing any reports and, where applicable, statistical tables.

Grandiose goals can backfire, causing termination of the project before completion. The criminal justice system is broad and complex and it is better to do an excellent job in a limited area, particularly when the group is doing its first project. A successful first project will give the group the enthusiasm and experience to try something more complex at a future time.

It cannot be overemphasized that the goals should be clearly defined and in writing so that everyone is working toward the same objectives. It may take a little effort to do this but it will increase the efficiency of subsequent steps.

In addition, motivation of the volunteers is an important part of any project, and volunteers respond much more satisfactorily when they are clear about the goals of the project and their part in it. (An example of a format in setting project goals follows:

### **Written Statement of Project Goals**

Project Name

Name of Organizing Group

Objectives of the project

- a)
- b)
- c)
- d)
- e)

What statistical data, if any, are to be collected?

What court or courts are to be covered?

Over how long a period of time will the actual project take place?

What is the estimated schedule for completion of each phase of the project?

How many volunteers will be recruited?

Are any special qualifications needed from volunteers?

How much time will volunteers be expected to spend on projects?

### **D) Communication with Local Judiciary**

After there is a solid core of people who understand the goals of the project and are somewhat familiar with the court system, you should write a letter to the administrative judge(s) in your area advising him or her that you are forming a citizens participation project and describing the proposed effort. If the court involved has only one or two judges, it is probably a good idea to write to each of them.

In your letter, it might be helpful to make some of the following points:

- 1 — your identity and background as, well as the goals of this project;

- 2 — that you are a citizens' group; make clear that your interest is that of members and taxpayers of the community and not professionals involved in the system;
- 3 — that you are very interested in the cooperation, ideas, and suggestions of the judiciary;
- 4 — that you would like to meet with him/her at some mutually convenient time to share ideas and suggestions.

Then, a short while later, follow up the letter with a telephone request for an interview. In meeting with any judge (or any other public official, member of the press, etc.) always take at least one other person with you. The main reasons for this important rule are:

1. It helps everyone's recollection when there are more than two people remembering what is said at an interview.
2. The discussion process may be more creative and meaningful when three or four people are involved.

On the other hand, very little meaningful "discussion" can take place with more than four or five people. Large groups of citizens have often found "interviews" turned into "lectures to a group" if too many people are included.

After you decide who is to attend, it might be helpful to ask one member of the group to be the major spokesperson, and another to be sure to take copious notes.

At this point in the project it is probably important to do a lot of listening. Find out what the judge feels are the problems (and possible solutions) of that court, and what problems he/she thinks the group might encounter (and how they might most effectively deal with them). This initial interview is basically meant to lay the groundwork for your project.

You may want to discuss some mechanical problems (e.g., if it's a monitoring project, how the monitors will obtain copies of the daily calendar) or you may wish to work out these details at a later time. (This may depend on how soon you believe the actual project will begin.)

The relationship established by this initial meeting is extremely important. Not only might you make the task of all your volunteers easier by encouraging the cooperation of the judge, but you may be smoothing the way toward joint effort to implement your later recommendations.

Also, one of the major goals of any project is generally to begin a dialogue between local citizens and their judiciary, and this interview may well represent the first step in that direction.

In addition to this contact with your local judge, it is recommended that you notify the Chief Administrative Judge of the State of New York of the existence of your group and your project plans. The New York State Office of Court Administration (OCA) can be a major source of advice and assistance when difficulties arise. If a major problem does arise with a member of the local judiciary, it would probably be advisable to seek counsel from OCA before going to the public or the news media.

## **E) Public Relations**

It is somewhat misleading to have a separate section that is entitled Public Relations. In fact, almost everything you do in every aspect of the project should be done with a view towards informing, involving, and relating to as many segments of the public as possible. One reason for this effort is to achieve one of the primary goals of most court projects, that of raising the community's level of knowledge and awareness about the problems in the courts. A second reason to involve the public at every possible juncture is that any pressure for change in the system will be more likely to be successful if it comes from many segments of the community. For these reasons, and others, it is very important to take every opportunity to reach the public, and to explain what you're doing, why you're doing it, and what you hope to accomplish.

Some specific vehicles through which public relations efforts are most appropriate and effective are:

1. **Newspapers** — Newspapers are one of the best ways available to inform, educate, and persuade the public, and great effort should be expended to establish a working relationship with the appropriate press persons.

Bear in mind that editors are very often looking for news and feature items. If you don't know him or her already then write to the city editor or managing editor of your local newspaper(s) very early in the project. Explain your group and its project briefly, and say that you'll be calling the paper to arrange an appointment very soon. Then, by all means, follow up the letter very quickly with a telephone call.

If the editor proves to be impossible to reach or see, then find out who the next-in-command is. Perhaps the newspaper has a court reporter; if not, try someone at the city desk.

Another important contact may be the person responsible for writing editorial opinions. Again, don't wait until you need an editorial before requesting an interview to explain your project and get to know this person.

If there are a number of newspapers in your area, these interviews might prove to be extremely time-consuming. If this is the case, then the task might be divided between a number of well-informed people. As previously discussed, at least two members of the project should be present at each interview, and every opportunity should be taken to involve one newer, less knowledgeable volunteer at each interview. Also, it is always wise to not only talk about your project, but to solicit ideas and advice from the person you are interviewing.

After the initial interviews, make sure that the particular person at each newspaper is kept informed of your progress. In addition, you might want to send him or her pertinent articles in the field.

If a story is written about your project, the reporter should receive some recognition — a note or telephone call of thanks is usually appropriate. If there were mistakes in the article discuss it immediately with that reporter. You should probably only go to the editor concerning a misstatement if you cannot get any satisfaction from the reporter, and you believe that he or she is deliberately misrepresenting the situation or your project. Make sure, of course, that any article about your project is clipped and appropriately filed.

Don't limit your contacts with the person you have interviewed to situations where you have something to announce. He or she may be helpful with certain kinds of problems; e.g. recruiting volunteers, gathering information, understanding certain events, etc.

As mentioned elsewhere, a particularly sympathetic, well-informed newspaper person might also be a valuable addition to an advisory committee.

Especially if you have someone with newspaper experience as part of your project, it is extremely helpful for you to write your own releases to send out to each newspaper at the appropriate times. Often a busy reporter will utilize what is already written, in whole or in part, as his or her story.

By writing your own releases, you make it easier for the reporter, you are more likely to avoid inaccuracies, and you get your message across in the most positive manner possible. (See suggestions on following page.)

## SUGGESTIONS ON WRITING A PRESS RELEASE

1. Before beginning to write a press release, list the five "w's" and "h." These are: who, what, when, where, why and how. Next to them, fill in the appropriate information. While not every story will contain all of these, most will contain at least three. (Example: Abe Zilch, president of the New York Teachers' Union (who) will address the Ray School PTA (what) at 7:30 p.m. Tuesday, October 24 (when).)
2. Write the press release in inverted pyramid style, that is, with the most important facts at the beginning of the release and the least important facts at the end. That way, if the story is too long and the editor has to cut it at the printer's, important information like time and date won't be omitted.
3. The fact that a group is meeting is not news. But the program, speaker, or action to be taken at the meeting is news. (Example: The New York Board of Education will consider a proposal to merge Hyde Park-Kenwood's six public elementary schools at its monthly meeting Wednesday, Oct. 25, rather than the New York Board of Education will meet Wednesday, Oct. 25.)
4. The press release should include the date and year, the name and telephone number of the person to contact for further information, and the date the story is to be released (For Immediate Release or For Release Monday, Oct. 23).
5. Don't bother putting a headline on the release. Each editor uses a different headline schedule and so he won't be able to use your headline anyway.
6. Names make news. Use as many names and addresses of local people as you can in the press release. BUT no name at all is better than a misspelled name or the wrong initials. It's a personal affront to a person to spell his or her name wrong. Be sure to give both a person's first and last names, not just Mr. Zilch.
7. Rarely, if ever, is the date the most important element in the story. Begin the press release with something other than the date.
8. Let the facts speak for themselves. Avoid adjectives like wonderful, elegant, sumptuous, etc. If, however, you want to say something complimentary about one of your programs, quote from someone. (Example: Milton Nerd, District 14 superintendent, said the cluster classroom project is the most innovative program he has ever seen.)
9. Press releases should be neatly typed and double spaced. If the press release is more than one page, you should put "—more—" at the bottom of the first page. Number each page after the first page at the top of the page. At the end of the press release, type "—30—". "—30—" is a printer's term meaning, "That's all, folks!"

—30—

The appropriate times for these releases might include:

1. Announcing the formation of the group to monitor the courts.
2. Calling for volunteers, including a description of the job, hours, and minimum responsibilities of a monitor.
3. Announcing the commencement of monitoring, the courts selected to observe, etc.
4. Announcing meetings with judges, city officials, etc., if appropriate and agreeable to all parties.
5. Announcing your findings, interim reports, recommendations, conclusions, etc.
6. Announcing and applauding changes implemented based on your reports or recommendations.

As a last word in this area, don't forget the local daily or weekly newspapers. It will take very little extra effort on your part to send copies of your releases to as many outlets as possible.

2. **Other Media** — All of the previous discussion concerning the establishing and nurturing of contacts with newspaper persons is also applicable to representatives of other available media. Don't overlook the establishment of on-going relationships with people at your local radio and television stations.

Interview programs, particularly, are always looking for new faces involved in interesting projects in the community. Write to the producers or moderators of any of these kinds of programs that are broadcast in your area. Explain what you're doing, how many citizens are involved, and your availability to discuss this further with them.

All of the above efforts will be much more easily accomplished if there is one person designated as a coordinator for public relations. If this is impossible, then the coordinator of the project must keep track of which contacts are made at what media outlets, and how often each has been productive. These are extremely crucial in so many ways — if you are not reaching the public, the judiciary, public officials, etc., then it is doubtful that you are going to be able to effect any real change in the system.

## **II. Citizen Participation Projects**

### **A) Court Monitoring**

Court monitoring projects can be organized in several different ways. A project may be focused on a narrow issue such as concern about the behavior of a certain judge or may be more general such as evaluating the process and procedures in Family, Criminal or Civil Court.

Examples of goals of monitoring projects are:

1. To determine whether parties to an action are being treated fairly.
2. To determine the amount of delays in the court system and the reasons for them.
3. To do a thorough time-cost analysis of the courts.
4. To collect facts from a layperson's viewpoint about the court system which can be presented to the public and to the administrators of the criminal justice system.
5. To provide the presence in the courtrooms of concerned, objective citizens.
6. To gather facts in the courtroom which can be used to press for judicial reform legislation and administrative changes.
7. To give the average concerned citizen a first-hand knowledge of the court.

#### **1. Division of Responsibility**

Once the steering group and Advisory Board have decided on the focus for the court monitoring project, some major responsibilities should be delegated to persons from the steering group or the organization. It is important that the project be carried out in an efficient manner and that the necessary duties and responsibilities are met.

The division of responsibility should include the following:

1) **Coordinator** — This person would be responsible for the overall administration of the project. He or she should be someone who has been active and effective during the initial formation of the project, is knowledgeable about the courts, and is able and willing to spend the time necessary to make the project viable and successful. A cornerstone of a fruitful and successful project is a coordinator who is hard-working, dedicated and sees a project to completion.

2) **Assistant Coordinator** — This person would provide a central clearinghouse of information about the organization, both to its members and to those outside of the project. He or she will oversee the efforts of the other staff, arrange for all meetings of the Advisory Board and of the volunteers as a group.

3) **Public Relations Coordinator** — This person would (alone or with a committee) develop and maintain the personal contacts with the local media representatives, write the press releases, and advise the group as to how to best organize events in order to utilize the media in reaching the public.

4) **Record Keeping** — If possible, this might be done by the Assistant Coordinator. If that is impossible, however, then one person should be designated to coordinate all of the functions associated with keeping volunteer information and monitoring data.

5) **Recruiting (and Speaker's Bureau)** — The functions of reaching out to the community to explain the project, recruiting volunteers, and interviewing and accepting potential monitors, might be coordinated by one person. This individual should also train a number of others to be prepared to speak to groups both during and after the course of the project.

6) **Research Coordinator** — It would be helpful to have one person take charge of the research effort. They would assign appropriate tasks to other individuals, be the repository for all of the data and information collected, and consolidate and distribute essential information to every member of the group.

The above is merely illustrative. The assignment of responsibilities should be done in the way that is most reasonable and comfortable for your group.

The volunteers will find it useful if they are supplied with the names, telephone numbers, addresses, preferred times of contact and a summary of when and for what reasons they should contact each of the above. For example, when they find a potential new volunteer they should give the information to the Recruiting Coordinator or a potential news story to the Public Relations Coordinator.

## 2. Development of Survey Forms

The Advisory Board and project staff, as well as the organization as a whole, should decide if standard forms are to be completed by all of the monitors, and if so, what should be their content.

It is certainly possible for monitors to observe court proceedings, and simply pool their reactions in some narrative fashion. However, most groups have felt it is much more productive for a standardized form to be used by all monitors, so that:

- 1) Each observation is focused on a specific factor or participant.
- 2) The data can be reported in an organized, systematic manner.

On the other hand, most groups have found that the form should also permit personal observations because some very rich insights and new paths for exploration often arise out of the personal narrative observations and comments of an individual monitor.

Therefore, it is recommended that each project use a monitoring form that focuses on collecting data in specific areas, and also solicits reactions and comments of each monitor.

Make the meaning of the questions and terms as clear as possible. An explanation sheet following the same outline as the form which describes terms, standard abbreviations, code numbers, etc., can be very useful in having the information supplied consistent and easy to analyze. Remember that volunteers are generally not familiar with technical terms and standard glossaries and abbreviations should be supplied to them.

Each form should, of course, have certain basic identifying information, i.e.:

- 1.—monitor's name
- 2.—date
- 3.—court
- 4.—judge
- 5.—session (a.m. or p.m.)

The questions that follow depend upon the goal of the project, and the specific factors that your group would like to investigate. It may take the form of questions, tables, checklists, etc. (See sample form on pages 25 to 39. Some forms, however, will be much more complex than your group may wish to undertake, but may suggest areas of inquiry that might be of interest.)

After you have constructed a form that you feel has the proper content, the best procedure is to pre-test it. The only way to know if you are asking the proper questions, in the clearest possible way, with appropriate spacing to provide the answers, is to have a number of monitors actually take it into court and use it.

Since you might not want to inflict this trial-and-error process on all of your volunteers, you might select a small core to do a few "trial runs" in the court.

It would be helpful to sit down with these volunteers and review each question on the form. Ask them where they were unsure of what information was required of them, where they did not have enough room to indicate what they were observing, etc. Also, be sure to elicit from them their own reactions as to how to improve the form.

Another important test of the efficacy of the instrument is to gather together the information that is available on these preliminary forms, and see if it gives you a basis for the type of recommendations that your group would like to be making. You will most probably find that some of the information that you are gathering is superfluous, and that other vital information is not being included. Avoid asking for information that you have no plans to use in your report.

Before you decide on the final draft of your form, you should fully understand how you will compile the information that it will provide.

If there are funds available to utilize a computer, then an expert in that field should review your form to insure that it gathers the information in the most efficient way.

If you are going to manually compute the data, then you should have the charts and forms and procedures prepared to do that before you begin to use the monitoring form. In some projects there is a daily and/or a weekly summary of information compiled as a preliminary step to ease the ultimate data-collection task.

The procedures that you employ depend entirely on the resources (both financial and human) available and the inclinations of your group. However, the key to successful data-collection of any type is generally the time and effort that is put into the planning stage. Before the first group of trained monitors enters the courtroom, you should have fully planned out in detail the manner in which your data will be compiled, and the areas in which your recommendations will be made.

### **3. Recruitment of Volunteers**

Once the goals are set, the project scope is defined, and the survey forms are finalized, the number and type of volunteers can be determined. For example, a project whose main goal is to interest as many civic and community groups in becoming involved with their local courts and to encourage them to evaluate and make recommendations for improvements necessitates recruiting volunteers primarily through a wide, heterogeneous group of civic, religious and other permanent organizations.

On the other hand, a project involving a specific measurement of a complex factor might require recruitment of a small group of volunteers who have specific education or training. Students attending local law or criminal justice schools, retired law enforcement personnel, retired lawyers and similar types of people might be solicited.

Recruitment through existing organizations is generally easier and more effective than individual recruitment since volunteers will generally have a proven record of being previously interested in and

finishing up volunteer assignments. However, remember that court monitoring may be fascinating to many people who may not be interested in other types of volunteering. These individuals can often be reached by:

1. Publicity through newspapers, radio and local television stations.
2. Talks to high schools and colleges.
3. Notices on bulletin boards of high schools, colleges, large corporations, block associations, senior citizen clubs, Y's.

If you are part of an already existing organization this project may help you reach out into the community to expand your own membership.

In addition to using existing civic, religious and educational organizations to ask their assistance in obtaining volunteers it is also very helpful to contact them early in your project for the following reasons:

1. To find out what research materials they may have on the subject of your local courts and how cases are handled.
2. To see if anyone else has monitored or is presently monitoring your local courts.
3. To find out whether other groups are interested in co-sponsoring your project.
4. To inform and interest other organizations in your project so as to gain potential support for changes when you issue your findings and recommendations.

Keep records of who you contact and their responses. (See example on page 19, Contact Form.) It will be useful for further contact not only on this project but on possible future ones. Ask people you contact if they know other organizations who may have information or might be willing to work with you. Describe what is expected of the volunteer. This interviewing process may be rotated among several original members of the group; but every new monitor should undergo a personal interview. The effort is well-spent because of the time saved by immediately correcting mistaken impressions and deterring those volunteers who would most probably drop out later.

This interview also often yields additional benefits by the discovery of special talents or interests on the part of the volunteer; e.g., newspaper experience that might help you in your public relations effort. The volunteer should fill out a "Volunteer Information Form" (example page 19) at this time. Remember you may need volunteers to do work in addition to monitoring, such as statistical compilation, filing, and typing.

After the interview, a letter should go to the volunteer welcoming him or her to the project and informing them that they will be sent a training schedule in the near future. If possible, alert them that training will take place "the week of \_\_\_\_\_."

#### 4. Training of Volunteers

At this time you might have already accomplished the following:

- a— set your goals
- b— formed an Advisory Board
- c— divided the major responsibilities among various members of the project
- d— recruited a solid core of volunteers
- e— done some basic research concerning the New York State Court System and your local courts
- f— contacted other organizations in your area to find out what they have done or are currently doing, and suggest linkages with your project where appropriate
- g— communicated with the local judiciary to inform them of the project and solicit their advice and cooperation
- h— devised the necessary forms and record-keeping procedures
- i— begun to establish public relations contacts and files

The next logical step, as a prelude to actually monitoring the courts, is to run a training program for your monitors. The planning for this training should begin earlier — as soon as the Advisory Board (or other policy-making group) has been formed.

**Training Goals** — The issue might arise as to the necessity for a training program. Could volunteers learn everything that is essential while "on the job" in the courts? Do you destroy a uniqueness of outlook by training every monitor with pre-selected information in a uniform way?

The Fund's experience has been that training was absolutely essential. Any loss of freshness in attitude on the part of the volunteers was more than offset by the greater depth of understanding and insight that each one was able to bring to his or her observation. In addition, goals that might be accomplished by a well-designed training program are:

- a— To provide an important opportunity for you to get to know the volunteers; you might find someone who should not have been selected as a monitor and find a more appropriate position for him or her, you might discover potential problems in attitude or ability to which you can then pay special attention, or you might discover special talents, experience, or expertise which you might want to utilize during or after training.
- b— To provide a valuable opportunity for the volunteers to get to know each other and feel more like they are part of an over-all team effort; court monitoring has a fairly unique problem among volunteer jobs in that it is a very isolating experience.

For these reasons, and others, you will probably find that a carefully structured, well-ordered training program will be an essential prelude to a successful monitoring effort. The experience of most groups coincides with this opinion.

*Training enlarges and liberates people for action that is creative by their own standards. Without training a group is left to trust to luck and any group needs more than luck in the seventies.<sup>3</sup>*

**Initial Training** — Preliminary research regarding the details of statewide court structure and management, case activity from arrest to final disposition, and a dictionary of legal terms commonly heard in the courtroom should be developed and distributed to the volunteers in an outline or handbook form. This should be accomplished some time before the first training session. (The Fund for Modern Courts' Court Monitoring Project has developed a handbook which was used extensively during the training sessions for this project and many others around the State. For further information, write to the Fund at 36 West 44th Street, New York, New York 10036.) (An example of a training program format is on the following page.)

In general, training should encompass a number of important areas:

- a— an overview of the criminal and juvenile justice system from arrest to final disposition
- b— the structure and function of the various offices, ancillary agencies and services that deal with the courts (e.g., district attorney, public defender/legal aid, probation, corrections, pre-trial or diversion services)
- c— the function of the various court personnel (e.g., court clerks, security officers, court reporters and liaison personnel)
- d— the identification of key areas in the court building
- e— the skills and information necessary for effective court observation

**AGENDA — TRAINING SESSION  
FUND FOR MODERN COURTS, INC.  
RENSSELAER COUNTY FAMILY COURT PROJECT**

**TIME:** Tuesday, September 12, 1978, 9:30 a.m.

**PLACE:** Chambers of the County Legislature  
Third Floor, Main Court House, 2nd St. & Congress

Please bring along your training materials and a note pad and pencil.

9:30-9:45 Coffee

9:45-10:45 Virginia Wood, Fund for Modern Courts, Inc.

10:05-10:25 Patricia Murphy, Social Worker  
Unified Services for Children and Adults  
Rensselaer County Dept. of Mental Health

10:25-10:45 Thomas Cioffi, Attorney  
Rensselaer County Dept. of Social Services

10:45-11:00 Break

11:00-11:20 Raymond Staerker, Family Unit Supervisor  
Rensselaer County Dept. of Probation

11:20-11:40 Gordon Mayo, Assistant County Attorney

11:40-12:00 Richard Hanft, Attorney (Law Guardian)

12:00-1:15 Lunch Break — a bag lunch will be provided. Volunteers may feel free to leave the building, do downtown errands, etc.

1:15-1:30 Discussion and questions

1:30-1:45 Patricia Beeler, Deputy Clerk  
Rensselaer County Family Court

1:45-2:20 John Curley, Chief Clerk  
Rensselaer County Family Court  
Question and answer period  
Possible tour of the court's facilities

2:20-2:30 Break

2:30- Judge Allan Dixon  
Rensselaer County Family Court

The structure of your training program will depend upon the population of volunteers you have recruited and the specific goals of your project. If the majority of volunteers have had extensive experience with the criminal justice system (e.g., corrections, probation or police officers and lawyers) more emphasis should be placed on data collection rather than the practical aspects of the system. It will, however, be safest to assume that the volunteers will have had minimal contact with the philosophy and practical functioning of the system.

Your training schedule should be arranged to provide adequate, simplified information to your volunteers so that they will not be overwhelmed and confused by their first court experience. Care should be taken to avoid excessive technicalities in your sessions in order not to discourage some volunteers.

One or two weeks should be devoted to "in class" training. If possible, it is best to schedule each session on two different days and at different times to allow for variations in time availability of volunteers. Additionally, sessions should be planned so that the dissemination of information should not last longer than one and one-half hours. Beyond that length of time, much of the technical information cannot be absorbed. It is also important to leave time at the end of each session for monitors to be able to ask questions, make comments, etc., and they should be encouraged to do so.

When formulating the training schedule it is probably beneficial to utilize the talents of individuals working within the system. Representatives from the local district attorney's office and legal aid or public defenders' office are often able to effectively speak at training sessions. They can provide valuable information regarding the practical aspects of the defense and prosecutor's function within the system. It is important to provide the adversary viewpoint to insure a balanced presentation. The inclusion of these participants in the system also helps to acquaint these key people with the project, its goals and participants.

If it can be arranged through the administrative or security personnel at the local court, a court tour is most helpful. Tours provide the volunteers with a physical reference for key areas in the court building and courtrooms. In addition, the issues under discussion during "in class" training will be less abstract.

In addition to court tours, other more active methods of training might be utilized to supplement the traditional "classroom lecture and discussion" model.

One of the key areas that must be discussed extensively during training and reinforced during the first few weeks of court observation is the actual questions that you are asking and how the volunteers are to complete their observation reports. The best method of training in the use of the form is probably actual court observation. Part of the training program should involve the monitoring of actual court sessions and it would be beneficial to have the volunteers exposed to more than one court at this stage. An actual court monitoring session followed by a training session can be very helpful. It is sometimes useful to ask the volunteers to fill out a questionnaire on the training session immediately after the session. (See example "Training Evaluation Form" on page 14.)

As a last note in this area, it is vital that monitors have emphasized to them the most basic advice concerning their roles as court monitors. In this conjunction, you may want to enumerate (and distribute in writing, if possible) the following thoughts:

- a— Do your homework! Read the handbook and attend the training sessions. Ask questions about anything you do not understand. Go to court on your own at least twice during the training period.
- b— Once the daily monitoring starts, make every effort to attend court on the day you are scheduled. If it is impossible for you to go that day, let \_\_\_\_\_ know as far ahead of time as possible (at least 24 hours) so that he/she can find an alternate (unless you have been provided with the name of a trained alternate to call).

- c— Get to court early — at least fifteen minutes before it is scheduled to begin.
- d— Introduce yourself to the judge, if possible, and to the clerk as an official observer from the \_\_\_\_\_ Court Monitoring Project.
- e— Sit where your local coordinator has suggested. If the judge asks you to sit somewhere else, don't argue.
- f— Be as unobtrusive as possible in appearance and demeanor. **NEVER INTERRUPT THE PROCEEDINGS.** Always be courteous, no matter what the provocation.
- g— **REMAIN NEUTRAL.** Do not betray your personal feelings by any facial expression or remark. If a judge or anyone else asks your opinion about anything that you have observed, refrain from commenting. Emphasize that you are merely collecting data and cannot speak for the Project. Refer the person to the Coordinator.
- h— While you are observing, try to jot down all the data requested on the case observation forms. If you miss some of it, ask the clerk for the additional information during a recess or after adjournment.
- i— Make no movies, photographs or tape recordings in the courtroom.
- j— Note any special problems you encounter and any suggestions you wish to make on the back of your report form or report them to your local Coordinator.

**COURT MONITORING PROJECT**  
**Training Evaluation Form**

**SUBJECT:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

Please help us learn how to provide the best kind of training for our monitors by indicating your responses to the following statements. Using a scale of 1-5, use 1 when you agree very much and 5 when you disagree very much.

- 1 — This training session provided me with information that was:
  - a—important \_\_\_\_\_
  - b—interesting \_\_\_\_\_
  - c—relevant \_\_\_\_\_
  - d—new to me \_\_\_\_\_
  
- 2 — The (first) person who acted as a resource was:
  - a—interesting \_\_\_\_\_
  - b—easy to understand \_\_\_\_\_
  - c—pleasant to listen to \_\_\_\_\_
  - d—very informative \_\_\_\_\_
  
- 3 — The second person (if applicable) who acted as a resource was:
  - a—interesting \_\_\_\_\_
  - b—easy to understand \_\_\_\_\_
  - c—pleasant to listen to \_\_\_\_\_
  - d—very informative \_\_\_\_\_
  
- 4 — The room in which it was held was:
  - a—each to reach \_\_\_\_\_
  - b—easy to find \_\_\_\_\_
  - c—comfortable \_\_\_\_\_
  
- 5 — This was held at a:
  - a—convenient time \_\_\_\_\_
  - b—convenient day \_\_\_\_\_
  
- 6 — Please add your own comments and statements to further help us.

**Printed Materials** — By the time the initial training has been completed, each volunteer should have received in some written form the following information:

- 1— basic information (in handbook form and distributed before training, if possible) — this would include;
  - a—the background and goals of your group
  - b—explanation of the function of the New York State Court System, highlighting role of courts to be monitored
  - c—discussion of the function of each participant (judge, court personnel, prosecution and defense attorneys)
  - d—glossary of courtroom terms (including simple explanations)
  - e—bibliography with suggested additional reading
- 2— their assignment — day, judge, court, location within the courthouse, address of courthouse and travel directions
- 3— supply of forms

- 4— instructions for returning forms
- 5— name, address and telephone number of person(s) to contact with any problems, crises, etc.
- 6— suggested behavioral guides

**"In Service" Training** — You should plan monthly meetings of your monitors, and it might be helpful to invite a speaker. This person should probably be someone who can talk about the criminal justice system from an interesting, informed perspective and might also be able to answer questions that have arisen during the observations. Examples of this might be: a defense or prosecuting lawyer, a local judge, a court officer or security guard, and an ex-offender. In seeking speakers, don't overlook members of your own group, who might have had significant experience within the system.

These regular meetings will not only provide the volunteers with additional useful information, but will also give them another opportunity to get to know each other and feel that they are part of an over-all effort.

In addition, the media should be contacted to announce each of these meetings to the public, and invite their attendance. This might insure that more people in the community know of your project, and its goals and activities. You might also attract new volunteers, or, at the least, provide information about your courts to a wider segment of the local community.

## 5. Record Keeping

The success of your project may very well depend on its least glamorous aspect — that of keeping careful, accurate records. There is no faster way to lose volunteers than to omit sending them an important communication, to assign them to a court already covered, or to misplace one of their reports. In addition, a few serious mistakes in collecting data might make questionable all of your results and recommendations.

a) **Site** — One of the most important basic factors in good record-keeping is having a convenient central repository for all of your records. Obviously, an office, file cabinets and a secretary is the ideal way of handling records. However, the fiscal reality of most citizens' efforts generally renders this impossible.

Therefore, substitutes must be found. The site should be as accessible as possible. While forms and other communications can be mailed anywhere, it is highly desirable that monitors be encouraged to drop off their forms in person. Some of the reasons for this are:

- a— To encourage identification with the project. If the monitor regularly sees someone, even if it is for a few minutes once a week, he or she feels much more a part of the over-all effort.
- b— To encourage monitors to ask questions. Very often a monitor may have a question about something that happened in court, or a misunderstanding about some part of the information that he or she is collecting. It will undoubtedly improve the quality of their data if monitors have easy personal access to someone who may be able to answer those questions.
- c— To save postage costs. The monitor is being asked to volunteer a great deal of time and some expense (gas, tolls, lunches, etc.) to do this job, and he or she should, if possible, be spared the expense of mailing in forms on a regular basis.

Therefore, it is recommended that one place be designated in which all of the records can be kept, and that it be a space where someone fairly knowledgeable about the project can be found. The obvious sites are someone's office or home, and obviously the best person would be the one who has been designated as the Central Coordinator.

b) **Procedures** — There should be some system devised to make it immediately apparent if a monitor has stopped sending in his or her forms (or is only sporadically doing so). It would be devastating if you realized, after a number of months of gathering data, that a particular key court had not been covered for a substantial period of time.

One simple way would be a checklist, where each form gets checked off on a central list as it is filed away. Therefore, someone would easily see when there were gaps forming and immediately contact the appropriate person to determine why that was occurring. This form is also useful as a schedule. (See example in Appendix A.)

In addition to ascertaining whether the form was actually submitted, someone should briefly scan each form to see if it appears to be correctly completed. If large areas of information are omitted, or seem incorrect, the volunteer should be contacted and receive additional training as soon as possible.

It was found to be most convenient in the Court Monitoring Project to file the forms by the month, by court (i.e., the forms for each court were filed next to each other, one month in each folder). If a particular court only meets once a month or other variables are present, just adapt your own system to that situation.

The types of record-keeping discussed above are simply illustrative. How you keep your records is not nearly as important as the consistency with which they are kept. A simple, convenient method that is always adhered to will yield vast dividends in the accuracy of the information collected and the saving of time needed to re-organize or compensate for mistakes or omissions.

c) **Monitor Information** — It should become an absolutely automatic process that each volunteer, no matter how well known to the group (or some members of it) fill out some kind of form that includes all of the essential identifying information (see example on page 17).

There are additional areas in which you might like to collect data: e.g., vocation of monitors, and how they heard about your project. The important point is that you have all of the essential information about every monitor in one place.

In addition, it was found to be useful to have a simple index card file with the name and telephone numbers of each monitor on a different card. These were broken down by court, then alphabetically. Therefore, if you want to check to which court a person was assigned, the alphabetical listing makes it a relatively simple task. You can also ascertain quickly the number of monitors who were assigned to each court. This method also renders it quite simple to speak to (or call a meeting of) all the volunteers in a particular court.

In another file you might keep copies of all correspondence with the volunteers. Many of these letters will be form letters, so one copy will suffice.

Incidentally, a form letter is a great time-saver if you are dealing with a fairly large number of volunteers. Without it, a huge expenditure of time will have to be invested in composing each letter. For example, there should be a form letter available to send out to welcome each person to the project; another form letter might be available to send when someone has to leave the project. The personal touch is, of course, sometimes necessary. While it would be nice to always send out personalized letters, you must make the determination of whether that time would be better spent in more substantive areas.

d) **Files** — Other files (in addition to those discussed above involving information concerning the monitors) which should be scrupulously kept are:

- a— correspondence with the judiciary
- b— correspondence with the press, including lists of the people you have contacted at each newspaper
- c— general correspondence with all others
- d— press clippings both about your project and concerning related areas

**COURT MONITORING  
MONITOR INFORMATION SHEET**

NAME \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

ZIP CODE \_\_\_\_\_

HOME TEL # \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

WORK OR SCHOOL ADDRESS \_\_\_\_\_ HIGHEST EDUCATION LEVEL \_\_\_\_\_

TEL # \_\_\_\_\_

VOCATION \_\_\_\_\_

PREVIOUS COMMUNITY OR RELATED WORK EXPERIENCE \_\_\_\_\_

HOW DID YOU HEAR ABOUT THE COURT MONITORING PROJECT \_\_\_\_\_

I PREFER TO MONITOR IN \_\_\_\_\_ COURT

I CAN MONITOR ON

HOURS AVAILABLE

MON \_\_\_\_\_

\_\_\_\_\_

TUES \_\_\_\_\_

\_\_\_\_\_

WED \_\_\_\_\_

\_\_\_\_\_

THURS \_\_\_\_\_

\_\_\_\_\_

FRI \_\_\_\_\_

\_\_\_\_\_

- e— records of expenses (it is important to know what everything costs in order for you to project your future budgets)
- f— contact forms to keep track of contacts made between various persons on the project and community leaders, elected officials, judges, etc. — it is extremely embarrassing for someone to call the Mayor, explain the project, and find that the latter has already been interviewed by other members of the group (see example Contact Form, page 19).

e) **Monitoring Data** — The heart of your monitoring is the data that your volunteers will collect. This will provide the basis of and justification for your conclusions and recommendations. It should be stressed that these forms must be collected and kept in an orderly manner.

The monitors should be clearly instructed as to what procedure to utilize to get their forms back to whatever central place you have designated. There should be a suggested deadline for the submission of these forms (e.g., within three days of the observation). These procedures should be mentioned often during the training period, and should be reiterated in some written form that is distributed to each volunteer.

As previously mentioned, each form should be both entered on a checklist and briefly scanned for accuracy at the time it is received. Then, it should be carefully filed in a systematic manner.

## **B) Information Services**

A well-organized citizen-staffed information service can be successful in several ways. First, a much-needed service will be provided to the community on a daily basis. In many courts, funds for sufficient personnel have been reduced and staff members have been called upon to provide all types of information in addition to performing their own job responsibilities. The institution of a volunteer service can free staff members to spend all their time on their own jobs and simultaneously assure the public of full-time, comprehensive and consistent assistance.

An information service project can provide the type of continuity and opportunity for long-term commitment that many volunteers, particularly older, retired persons, look for. The project provides many chances to meet people, to assist people with problems, and to help the court function more efficiently.

The need for improved information services in the courts has been reiterated in numerous court monitoring reports. The Fund for Modern Courts, Inc., in response to this need, initiated and developed a citizens' volunteer information service project in the Family Court during 1978. The following guidelines and procedures are based upon that effort.

### **1. Goals and Services**

If you or your group feel that an information service might be needed in your local court, a thorough assessment of existing services should be made before plans are undertaken to staff an information booth.

The assessment should include the following considerations:

- a) In which court will the service be established? Different courts will obviously require different types of information.
- b) Is there more than one court located in the building? If yes, will the project provide information about all the courts or just one (e.g., Family Court only)?
- c) Is there security personnel at the entrance to the court who provide information? If there are such personnel at the entrance, establishing an information service in the same area may be a duplication of effort. On the other hand, if the main entrance also serves as the main waiting area, an information booth may be helpful to persons who might wish to discuss the procedures in the court.

**COURT MONITORING CONTACT FORM**

Date \_\_\_\_\_

Name of Staff Member \_\_\_\_\_

Name of Organization \_\_\_\_\_

Name of Person Contacted \_\_\_\_\_

Position or Title \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

(\_\_\_\_) \_\_\_\_\_

Form of Contact (Phone, etc.) \_\_\_\_\_

Substance of Contact (if letter, attach copy)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VOLUNTEER INFORMATION FORM**

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

Other phone \_\_\_\_\_

Zip: \_\_\_\_\_

Skills: Please boast — do you write, type, speak other languages?

\_\_\_\_\_

\_\_\_\_\_

What days can you volunteer? \_\_\_\_\_

What hours can you volunteer? \_\_\_\_\_

Have you had any experience with the courts? Please describe briefly.

\_\_\_\_\_

\_\_\_\_\_

Education: Please list — High School \_\_\_\_\_

College \_\_\_\_\_ (Degree \_\_\_\_\_)

Graduate School \_\_\_\_\_ (Degree \_\_\_\_\_)

d) Are there directional signs posted at the entrance of the court and throughout the building? If not, part of the service might be establishing such signs.

e) Have there been any other efforts to provide similar services? If so, how were those efforts organized and staffed, and how successful were they?

Once existing facilities and services are evaluated and such a project is deemed feasible, the group should begin to establish the objectives and scope of the effort. At this point, plans should be made to discuss the intended service with the administrative judge and other court personnel. Particularly important in the planning process for this type of project are the court clerk and court officers. Such discussions should emphasize that the intention of the volunteer project is in no way to undermine or replace the work done by court personnel. Rather, the volunteer information services should be planned to expand upon services provided by court personnel.

## **2. Recruitment and Training of Volunteers**

A direct service such as an information project requires volunteers who will be able to exercise discretion and relate to a wide variety of people who may be confused and upset. In addition to directing people to the appropriate areas of the court, volunteers should be able to explain in clear and simple language the court procedures and terminology.

The focal point of training for volunteer information aides should be an overview of the functions and locations of the various agencies and offices in the court. Therefore, in addition to reviewing the materials described above, representatives from the various offices and agencies should be asked to attend the training sessions and give a brief description of the functions and duties of their respective offices. Training materials should include a copy of a court monitoring handbook and any information booklet describing court procedures and terminology. These materials should be distributed at the volunteer interview so that each volunteer has time to become familiar with court operations. Guidelines for information aides should be prepared for distribution and discussion at the first training session. In addition to detailing information service procedures, the guidelines should stress that information aides must not provide information which might be construed as legal advice. (See example below).

Volunteers should be provided with their own copies of all training materials. Additional copies should be kept, if possible, at the information desk on a permanent basis. (A cabinet or locked drawer storage place would be desirable, if available.)

## **GUIDELINES FOR INFORMATION BOOTH AIDES**

As a volunteer information booth aide, you will be providing a much-needed service to the many people who come into contact with the Family Court system each day in New York State.

Each information booth has been established to serve as a *centralized directory of resources* for the courthouse in which it is located. Citizen volunteers will direct questioners to the appropriate room and official who is responsible for providing the information requested.

*CITIZEN VOLUNTEERS MAY NOT, UNDER ANY CIRCUMSTANCES, OFFER LEGAL ADVICE OR INTERPRETATION TO ANYONE WHO REQUESTS INFORMATION. Any attempt by a volunteer to do so could be harmful to the questioner and could hurt the future of the information service.*

If questioners have difficulty understanding the meaning of a petition or of a legal term; if they do not understand what has just happened in the courtroom; or if they do not know what they are supposed to do next; *encourage them to consult their lawyers or refer them to other court personnel.*

Information booth aides should have a good knowledge of the responsibilities of the different court officials and should know where they are located and how they can be reached. Court personnel will be introduced during the volunteer training session. Aides should be prepared to refer questioners to agencies that may or may not be located in the courthouse building. Copies of the **Family Court Information Booklet**, which includes a description of the jobs of different court workers, are available for use by information booth aides and for distribution to the public in September.

Each information booth is equipped with a telephone. A list of frequently needed numbers should be kept with the court directory. When necessary, calls for information may be placed to the appropriate office from the information booth telephone.

A record should be kept on the project survey form of each question asked and the response given. After the initial phase of the information booth project, the logs will be evaluated to determine what questions are asked most often and other relevant information. Volunteers are encouraged to formulate their own suggestions about ways in which frequently requested information could be more effectively given out.

## VOLUNTEER CHECKLIST

Information booth aides should make sure that the following materials are available at the booth:

court directory

telephone numbers and addresses of important agencies and services

survey sheets

**Family Court Information Booklets**

Aides should wear their **Information Aide** badges when working at the information booth.

### 3. Scheduling

Depending upon the need and hours of the court, volunteers should be scheduled on a regular basis so as to provide a consistent, viable service. Two to three volunteers should be assigned at the peak activity hours of the court, e.g., during the mornings.

The main drawback in this type of project may be the element of boredom for volunteers. While volunteers may feel they are providing a valuable service, they may feel that their time and energy should not be limited to staffing the information booth. It may be helpful, therefore, to rotate volunteers so that part of their time could be spent monitoring court proceedings.

## C) Physical Facilities Survey

### 1. Guidelines

This type of project, which may or may not be an adjunct to other projects, is generally short-term and involves a small core of trained volunteers. The focus of a physical facilities survey is to determine if the existing facilities are adequate for those who use the court and for those who work there. Thus, this type of endeavor should be conducted on two levels: (1) interviews with court personnel, reflecting the viewpoint of the professionals working in the area, (2) evaluation of the facilities by trained volunteers, reflecting the viewpoint of the consumer.

### 2. Development of the survey forms

In order to determine the adequacy of court facilities and to develop your survey forms, six basic questions must be asked:

- a. Is the building safe and sound?
- b. Does it provide all of the required facilities?
- c. Are the facilities large enough to accommodate the various functions that the court serves?
- d. Are the facilities located in proper relationship to each other for efficient operation of the court?
- e. Is the environment conducive to efficient operation of the court?
- f. Are the parking facilities adequate and convenient for the public and the handicapped?

In order to design a survey form which will answer these questions, the following criteria should be utilized.

## **STRUCTURE**

- How old is the building?
- What facilities (other than the court which is being surveyed) are housed there?
- Condition of the building:  
Are there apparent structural problems? Is there evidence of leakage? Do the elevators operate correctly? What renovations, if any, have taken place recently?
- Emergencies:  
What means of egress exist in case of fire? Are they in accordance with the building code?

## **FACILITIES**

Are the following facilities sufficient and in adequate condition?

- Secure detention facilities?
- Attorney/client conference rooms?
- Witness waiting rooms?
- Secure *and* separate records storage and general storage place?
- Male/female toilets for staff and public use?
- Information booths with sufficient staffing personnel?
- Is space properly allocated?  
Where are security personnel located?  
Where are court reporters located?

## **LAY-OUT AND DESIGN**

- Are the different facilities located in relation to one another for efficient operation of the courts?
- Is the pattern of circulation of judges, court staff, public and juveniles arranged to increase efficiency of operations and to increase security and safety of persons and property?
- Do the courtrooms have separate and convenient access for judges, court staff, and public?

## **ENVIRONMENT**

Air:

- Is the temperature and humidity appropriate and consistent in all areas of the building both in summer and winter?
- Is the ventilation adequate?

Lighting:

- Is the lighting appropriate for each particular area and its use? (General lighting in corridors, lobbies, etc., at low end of illumination scale; judge's bench area in courtroom at high end of scale.)

Color Scheme Contrast:

- Courtrooms: low contrast.

- Offices, jury rooms, conference rooms, chambers: medium contrast.
- Public lobbies, conference rooms, storage areas: heavy contrast.

## **ACOUSTICS**

- There should be no vibration noise due to mechanical systems (heating, air conditioning, elevators, plumbing, creaky staircases).
- Family Court hearing rooms should be soundproof.
- Courtrooms should be free from outside noise disturbances.
- In courtrooms, all participants in the well area should be able to hear the proceedings.
- Sound amplification may be necessary in large courtrooms.

## **VISION**

- In courtrooms, every participant should have an adequate and clear view of all other participants.

## **PRIVACY**

- Attorney/client conferences, conferences with judges, chief clerks, and adoption proceedings should be housed in private offices.

## **SECURITY**

- Is the facility capable of being secured in a manner which will require minimum security manpower?

## **PUBLIC INFORMATION**

- There should be a clear and up-to-date public information and direction system.
- Emergency procedures should be posted boldly and in strategic positions.

## **CLEANING AND MAINTENANCE**

- The facility should be clean and in good repair.

## **CAR PARKING**

- Convenient and preferably reserved parking should be available for judges and court staff.
- Public parking should be adequate and convenient.

## **PUBLIC TRANSPORTATION**

- The court should be easily accessible by public transportation.

The survey forms should include all of the above areas and considerations. (See sample survey forms in Appendix B.)

### **3. Recruitment and Training of Volunteers**

Once the survey forms are finalized volunteers should be recruited and trained. The number of volunteers may be as few as two but should be no more than six. In recruiting volunteers it may be helpful to use people who are already familiar with the court through previous court projects.

Training need not be extensive but should include a short explanation of the purpose of the survey, a tour of the court and a detailed explanation of the survey forms. Also, the volunteers should be given a time period in which to complete their interviews and evaluations. The names and telephone numbers of the court personnel to be interviewed should also be distributed at the time of the training.

## FOOTNOTES

<sup>1</sup>**The Challenge of Crime in a Free Society**; Government Printing Office (1967) p. 280.

<sup>2</sup>See Fund for Modern Courts, Inc. **Family Court Project, Final Report**, (March 1979).

<sup>3</sup>**Training for Non-Violent Direct Action**, Theodore Olson and Lynn Shivers, Friends Peace and International Relations Committee, London, England.

**APPENDIX A**

**Data Collection Forms for Criminal  
and Family Court Monitoring Projects**

**COURT MONITORING  
SCHEDULE & FORMS COMPLETION CHECKLIST**

Court \_\_\_\_\_ Month \_\_\_\_\_

		PART _____		PART _____	
		Morning	Afternoon	Morning	Afternoon
Day	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	15				
	16				
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				
	26				
	27				
	28				
	29				
	30				

The name of the volunteer should be inserted whenever scheduled. When report is received, insert date and session (if different than schedule) and encircle the name to show completion.

MONITOR \_\_\_\_\_ JUDGE \_\_\_\_\_ DATE \_\_\_\_\_

Time this case called today \_\_\_\_\_ 1st recall \_\_\_\_\_ 2nd recall \_\_\_\_\_

3rd recall \_\_\_\_\_

DEFENDANT NAME \_\_\_\_\_ SEX (check) ETHNICITY (check)  
MALE ( ) BLACK ( ) WHITE ( )  
FEMALE ( ) LATIN ( ) OTHER ( )

DOCKET # \_\_\_\_\_

AGE (check) 16-19 ( ) 19-40 ( ) Over 40 ( )

STATUS OF DEFENDANT - at beginning of this hearing (check)

JAIL ( ) ROR ( ) BAIL ( ) OTHER ( ) \_\_\_\_\_  
specify

DEFENSE ATTORNEY (check)

LEGAL AID ( ) 18/B Assigned Counsel ( )

Private Counsel ( ) Other ( ) \_\_\_\_\_  
specify

CHARGE \_\_\_\_\_

PURPOSE OF DEFENDANT APPEARANCE TODAY (check)

- Arraignment & Pleading ( ) Application for release or substitution of counsel ( )
- All purpose ( ) Bail Application ( )  
(N.B. - frequently involves conference with Judge-often in chambers-for plea bargaining purposes)
- Omnibus Motion ( ) Extradition proceeding ( )
- ( ) Violation of probation proceeding ( )
- Application for Delinquency Declaration ( )
- Determination readiness ( ) Hearing ( ) \_\_\_\_\_  
specify



**JUVENILE DELINQUENCY AND PINS CASE ACTIVITY SHEET: Kings Co.**

Judge Name \_\_\_\_\_

Date \_\_\_\_\_

Case Docket Number \_\_\_\_\_

**A. Age** \_\_\_\_\_

**B. Sex** \_\_\_\_\_

**C. Non-English speaking Parties**

1. No
2. Yes — translator available
3. Yes — no translator available

**D. Purpose of this hearing:**

1. Fact-finding
2. Dispositional
3. Referred from Criminal Court (J.D. only)
0. Other \_\_\_\_\_  
(Specify, i.e., extension or termination of placement)

**E. Offense** \_\_\_\_\_

**What was the original offense**

\_\_\_\_\_  
(Specify)

**F. Who is petitioner?**

1. Parent, relative, guardian
2. Police
3. School
4. Citizen
5. Public/Private Agency
0. Other \_\_\_\_\_  
(Specify)

**G. Who represented petitioner?**

1. Assistant Corporation Counsel
2. Private counsel
3. No counsel assigned
4. Court Appointed Counsel
5. Assistant D.A.
0. Other \_\_\_\_\_  
(Specify)

**H. Who represented respondent (Child)?**

1. Legal Aid
2. Assigned counsel/18B
3. Private counsel
4. No counsel assigned
0. Other \_\_\_\_\_  
(Specify)

**Respondent status: Start of hearing**

**I. Detention**

1. Secured Detention
  2. Non-secured Detention
  3. Not applicable
- \_\_\_\_\_  
(Specify)

**J. Placement**

1. Short-term DFY
2. Long-term DFY
3. Short-term DSS
4. Long-term DSS
5. Short-term Private Agency
6. Long-term Private Agency
7. With supervision — Custody of Parent, Relative, Guardian, Foster Parent
8. Without supervision — Custody of Parent, Relative, Guardian, Foster Parent
0. Other \_\_\_\_\_  
(Specify)

**K. DSS Representative present**

1. No
2. Yes

**L. Social Worker present**

1. Yes—Private Agency \_\_\_\_\_  
(Specify)
2. Yes—Other \_\_\_\_\_  
(Specify)
3. No

**General Comments (use back of sheet)**

(i.e., Quality of Representation)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	

**Case Status: End of Hearing**

**M. If Adjourned**

1. Stayed warrant issued
2. Warrant issued
3. Adjourned in contemplation of dismissal (ACD)
4. Respondent Counsel absent
5. Petitioner Counsel absent
6. For Investigation and Report (I & R)
7. For Investigation and Report (I & R) after adjudicated J.D. or PINS
8. Witness absent
9. Reports late
10. To Assign Counsel
0. Other \_\_\_\_\_  
(Specify)

**Adjournment Date** \_\_\_\_\_

**N. If Not Adjourned**

1. Petition dismissed without prejudice
2. Petition dismissed
3. Petition withdrawn
4. Judgment suspended
5. Decision reserved
6. Adjudicated PINS
7. Adjudicated J.D.
8. Placement
9. Probation
0. Other \_\_\_\_\_  
(Specify)

**Respondent status: End of hearing**

**O. Detention**

1. Secured Detention
  2. Non-secured Detention
  3. Not applicable
- \_\_\_\_\_  
(Specify)

**P. Placement**

1. Short-term DFY
2. Long-term DFY
3. Short-term DSS
4. Long-term DSS
5. Short-term Private Agency
6. Long-term Private Agency
7. Custody of Parent, Relative, Guardian, Foster Parent
0. Other \_\_\_\_\_  
(Specify)

**Q. Duration of Case?**

1. Less than 5 minutes
2. 5-10 minutes
3. 11-15 minutes
4. 16-30 minutes
5. 31-60 minutes
6. Over 60 minutes

**R. Did the Judge explain the proceedings simply and clearly**

1. No
2. Yes

**Was the Judge courteous and dignified towards**

**S. The Respondent**

1. No
2. Yes

**T. Others (Attorneys, Petitioner, Witnesses, Probation Officers)**

1. No
2. Yes

**Were Court Personnel courteous and dignified toward**

**U. The Respondent**

1. No
2. Yes

**V. Others (Attorneys, Petitioner, Witnesses, Probation Officers)**

1. No
2. Yes

**Monitor name** \_\_\_\_\_

**DEFENDANT SHEET**

Defendant's Name \_\_\_\_\_ Monitor \_\_\_\_\_  
 Docket or Indictment Number \_\_\_\_\_ Date \_\_\_\_\_

N. Time case was called. N. 35 36 37 38

O. Did this case follow the form you just filled out?  
 1. yes 2. no 3. first case of session O. 39

P. If no what was the delay in minutes? P. 40 41

Q. Reason for delay (use key). Q. 42 43

R. Defendant status at entry. R. 44  
 1. Jail 6. Summons  
 2. Bail or Parole 7. Cannot determine  
 3. R.O.R. 8. Other (specify) \_\_\_\_\_  
 4. In custody of other or program  
 5. Probation

S. Defendant Sex S. 45  
 1. male 2. female

Ethnicity 1. Black 3. White 46  
 2. Latin 4. Other or can't determine

Approximate Age 47  
 1. Under 16 2. 16-20 3. 21-29 4. 30-39 5. 40+

T. Attorney T. 48  
 1. Legal Aid/Public Defender 4. No counsel  
 2. Private counsel 5. Other (specify) \_\_\_\_\_  
 3. 18B 6. Can't determine

U. Most serious charge \_\_\_\_\_ U. 49 50 51 52 53  
 (if code unavailable write name of charge)

V. Purpose of appearance V. 54  
 1. Arraignment 6. Bail review  
 2. Preliminary hearing 7. Bench warrant, Summons,  
 3. Other motions & pleas Appearance tckt., viol. of probation  
 4. Trial 8. To pay fine  
 5. Sentencing 9. Other (specify) \_\_\_\_\_

W. Delay reason (use key) W. 55 56

X. Adjournment reason (use key) X. 57 58

Y. Adjournment date Y. 59 60 61 62

Z. Final charge (if code unavailable write in charge name on line \_\_\_\_\_  
 Special Conditions (specify) \_\_\_\_\_

Z. 63 64 65 66 67

AA. Disposition at this session

1. Dismissal	9. Sentenced (specify) _____	AA. <u>68</u> <u>69</u>
2. Acquittal	10. Bench Warrant	
3. Plead guilty on original charge	11. Yo Treatment	<u>70</u> <u>71</u>
4. Plead guilty on reduced charge	12. Summons	
5. Convicted on original charge	13. Fine _____	
6. Convicted on reduced charge	14. Adjourned	
7. A.C.D. (specify) _____	15. Cannot determine (e.g. further proceedings scheduled)	
8. Conditional Discharge		

BB. Final status of defendant

1. To jail	5. Parole	BB. <u>72</u>
2. Bail	6. Probation	
3. ROR	7. Cannot determine	
4. Released in custody of program (e.g. YCB, CEP) or other	8. Released	
	9. Other (specify) _____	

CC. Time case completed

CC. 73 74 75 76

Comments – Please place additional comments on the back of this page.

Observer

ACLU Court Observer Form 2

Court Name

Judge

Date

Time Court Convened

Sheet No.

Line No.

Defendant's Name

Case No.

Offense charged

(In addition to answers below, please add comments desired on back of page, and key such comments to the number of the questions below. Please give these extra details whenever you feel it is helpful.)

Yes No

1. Was case continued on request of State's Attorney or Judge's own volition, or on request of defendant? (If yes, circle one.)  
Number of days continued:

2. Was defendant told of the offense of which he was accused?  
If not, was the offense charged obvious?  
Why?

3. Was defendant told of his right to counsel?

4. Was defendant asked if he desired counsel?

5. Was defendant told that counsel would be furnished to him if he was indigent?

6. Was defendant asked if he would waive counsel?

7. Did defendant waive counsel?

8. If defendant was indigent, was counsel furnished to him?  
If yes, was counsel (circle one) Public Defender or Appointed.

9. Was defendant tried without counsel?

10. Did defendant request a continuance and have his request denied?

If so, explain grounds of denial and whether they seemed reasonable to you.

11. Was bail set?

a. Was defendant informed of any bail set

b. What was the amount of bail

c. Did defendant request reduction of bail?

If so, was bail reduced?

Observer \_\_\_\_\_ ACLU Court Observer Form 1

Address \_\_\_\_\_

**General Observation, Comments**

Court Name \_\_\_\_\_ Date \_\_\_\_\_

Court Address \_\_\_\_\_ Time Court Convened \_\_\_\_\_

Judge Presiding \_\_\_\_\_

Number of Form 2 individual case reports submitted herewith. \_\_\_\_\_

Was there an official court reporter present? \_\_\_\_\_

Was there a Public Defender present? \_\_\_\_\_ His name: \_\_\_\_\_

Total Number of Cases Observed \_\_\_\_\_  
Total Number of Convictions \_\_\_\_\_  
Total Number of Guilty Pleas \_\_\_\_\_  
Total Number of Acquittals \_\_\_\_\_  
Total Number of Continuances \_\_\_\_\_

**General Comments**

(For example, was the Judge attentive during trial? Was he courteous to participants? Did he cut people off or appear to have preconceived ideas? Did State's Attorney or Court Clerks, Bailiffs, hangers-on, etc. seem to have undue influence on decisions and/or procedures, etc.? Did Judge allow other parties to bully defendants? Did Judge maintain order and decorum in courtroom? Did you receive the overall impression the defendants were receiving fair trials?)

- |  | Yes  | No   |
|--|--|--|
| 12. Did Judge attempt to bully or "coerce" the defendant to plead guilty?<br>If so, did defendant plead guilty?  | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 13. Was defendant told he had a right to a jury?<br>a. Did defendant request a jury trial?<br>b. If so, what was the reaction of the Judge?<br>(Describe on reverse side.)   | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/>                             |
| 14. Did defendant claim he was beaten or held for an illegal period or refused right to make telephone calls or consult an attorney, etc.?<br>If so, what was the reaction of the Judge? (Explain on reverse side the allegations and the Judge's action.) | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 15. Was defendant or his witnesses precluded from telling their side of the story?<br>If so, please describe on reverse side.  | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 16. Was defendant convicted without having a witness testify against him?  | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 17. If defendant had no counsel, did the Judge advise him that he did not have to testify against himself?<br>Did the Judge or prosecutor question him without any such warning?   | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/>                             |
| 18. Did the defendant plead guilty?  | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 19. Was the defendant found not guilty?  | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 20. Was the defendant found guilty?<br>If so, what sentence was imposed (jail sentence, fine, probation, "supervision"):<br>How long is jail sentence, if any: _____   | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 21. Was the defendant not able to comprehend the proceedings?<br>(Inability to speak English, retarded, senile, etc.) If so, explain.  | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 22. Was there any other event which you consider improper.<br>If so, please explain.   | <input type="checkbox"/>                             | <input type="checkbox"/>   |
| 23. Did the defendant have any relative or friend (parent, minister, etc.) present?<br>Did the relative or friend testify?   | <input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/>                             |

Observer \_\_\_\_\_ Date \_\_\_\_\_ ACLU Court Observer Short Form<sup>2</sup> for busy courts

Court Name \_\_\_\_\_ Judge \_\_\_\_\_ Court Reporter Present? \_\_\_\_\_

Public Defender present? \_\_\_\_\_ Name \_\_\_\_\_

DEFENDANT (indicate race)	CASE NUMBER	CHARGE	COUNSEL (yes, no)	WHO (Public Defender, own lawyer)	DISPOSITION (guilty, not guilty, continued, Grand Jury, fine, jail, bail)	COMMENTS (any irreg- ularities or unusual happenings)
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# Court Summary Sheet: Kings County

Judge Name \_\_\_\_\_

Date: \_\_\_\_\_

**Morning Session** Time session scheduled to begin \_\_\_\_\_

Time session actually began \_\_\_\_\_

Time session ended \_\_\_\_\_

\_\_\_\_\_  
**Monitor Name**

**Afternoon Session** Time session scheduled to begin \_\_\_\_\_

Time session actually began \_\_\_\_\_

Time session ended \_\_\_\_\_

**Number of J.D. cases heard** \_\_\_\_\_

**Number of PINS cases heard** \_\_\_\_\_

**Number of Non-J.D./PINS cases heard** \_\_\_\_\_

**Number of Recesses** \_\_\_\_\_

(Excluding lunch recesses)

**Number of delays (more than five minutes)** \_\_\_\_\_

**Were the courtroom procedures and the processing of cases handled in an orderly and organized manner**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Were the discussions within the courtroom audible and understandable**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Was an opportunity provided for the respondent to have a fair hearing**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Was an opportunity provided for the petitioner to have a fair hearing**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Did the judge seem concerned with the problems of the respondent**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Did the judge seem concerned with the problems of the petitioner**

\_\_\_\_\_  
Always

\_\_\_\_\_  
Usually

\_\_\_\_\_  
Seldom

\_\_\_\_\_  
Never

**Other comments:**

**JUVENILE DELINQUENCY AND PINS CASE ACTIVITY SHEET**

Monitor Name \_\_\_\_\_

County \_\_\_\_\_

1. Date \_\_\_\_\_

2. Judge Name \_\_\_\_\_

3. Case Docket Number \_\_\_\_\_

4. Time Case Called \_\_\_\_\_

5. Purpose of this hearing:

- 1. Fact-finding
- 2. Dispositional

3. Other \_\_\_\_\_  
(Specify, i.e.: extension or termination of placement)

6. Who is petitioner?

- 1. Parent, relative, guardian
- 2. Police
- 3. School
- 4. Citizen

- 5. Public/Private Agency
- 6. Other \_\_\_\_\_  
(Specify)
- 7. Cannot determine

7. Who represented petitioner?

- 1. Corporation counsel
- 2. Private counsel
- 3. No counsel assigned
- 4. Counsel absent
- 5. HRA attorney

- 6. Agency attorney
- 7. Other \_\_\_\_\_  
(Specify)
- 8. Cannot determine

8. Who represented respondent?

- 1. Legal Aid
- 2. 18 B
- 3. Private counsel
- 4. No counsel assigned

- 5. Counsel absent
- 6. Other \_\_\_\_\_  
(Specify)
- 7. Cannot determine

Status of respondent:

Start of hearing \_\_\_\_\_  
End of hearing \_\_\_\_\_

- 1. Secure Detention — Spofford
- 2. Non-secure Detention
- 3. Custody of parent, relative, guardian, foster parent

Status of Case (at end of hearing)

1. Adjourned
2. Adjourned — stayed warrant issued
3. Adjourned — warrant issued
4. Petition dismissed without prejudice
5. Petition dismissed for failure to prosecute
6. Petition dismissed
7. Petition withdrawn
8. Adjourned in contemplation of dismissal (ACD)
9. Judgment suspended
10. Decision reserved
11. Adjudicated PINS
12. Adjudicated J.D.
13. Placement
14. Probation
15. Other \_\_\_\_\_ (Specify)
16. Cannot determine

\_\_\_\_\_

If placement is status:

1. Placed with Division for Youth
2. Placed with Commissioner of Social Services:  
FOR: — Temporary care and diagnosis
3. Placed with Commissioner of Social Services:  
FOR: — Long-term care
4. Placed with Commissioner of Social Services:  
FOR: — Placement with specific agency
5. Placed with Commissioner of Social Services:  
FOR: — Placement with a class of agencies
6. Placement extended
7. Placement terminated
8. Other \_\_\_\_\_ (Specify)
9. Cannot determine

\_\_\_\_\_

Reason(s) for adjournment

(If no adjournment, fill in NA)

\_\_\_\_\_

Adjournment date

(If no adjournment date, fill in ND)

\_\_\_\_\_

Time case completed

\_\_\_\_\_

Comments:

## **A BRIEF CHECKLIST TO EVALUATE YOUR LOCAL SMALL CLAIMS COURT**

1. What is the level of public awareness of the court?
2. Is there in your community any regular, on-going program designed to inform the public about the courts?
3. Are the courts actually informal and non-technical, or do most people in fact need lawyers to represent them?
4. Can the court be easily located?
5. Is an adequate manual or guidebook available to all litigants free of charge? Are copies available in appropriate foreign languages?
6. Are at least half of the sessions held in the evenings or on Saturdays?
7. Is the average hearing date less than three weeks from the time the case is filed?
8. What are the most frequent kinds of cases brought?
9. Do litigants feel they get a fair chance to say their piece?

**APPENDIX B**

**Physical Facilities Survey Forms**

**CITIZEN PARTICIPATION PROJECT**

**Family Court Physical Facilities Adequacy Study  
Interview Questionnaire**

Name of volunteer \_\_\_\_\_

County \_\_\_\_\_ Date \_\_\_\_\_

Person interviewed \_\_\_\_\_

Title (and description, if needed) \_\_\_\_\_

Office address/room number \_\_\_\_\_

Number of co-workers \_\_\_\_\_

How many years have you worked in this courthouse? \_\_\_\_\_

What other positions have you held in this courthouse? \_\_\_\_\_

Where do you spend most of your time in this courthouse? \_\_\_\_\_

Are the facilities where you spend most of your time generally adequate? \_\_\_\_\_

Please discuss the following facilities with regard to number, size, maintenance, ventilation, placement of equipment and furniture, audibility, lighting: (skip areas not familiar to interviewed person)

a. **courtrooms** —

b. **chambers** —

**c. robing rooms —**

**d. detention rooms —**

**e. attorney/client conference rooms —**

**f. waiting rooms —**

**g. record rooms —**

**h. court reporter rooms —**

**i. administrative offices —**

**j. restrooms —**

**public:**

**staff:**

**k. hallways —**

**l. cafeteria/vending machine rooms —**

**m. parking facilities —**

### **Security**

**Do you and the people you work with generally feel safe in and around this building?**

**Do female staff members feel differently about safety here than male staff members?**

What about security after the court is officially closed for the day?

Where and when do you and/or the people you work with feel unsafe?

Do you feel there are enough security guards/court officers assigned to the building? If not, where are more needed? How many more?

Are there any electronic security systems (such as camera monitoring) in use in the building? Are they effective?

Please assess security and safety (fire hazards, for example) in the following areas, and suggest any improvements:

a. **courtrooms** —

b. **chambers** —

c. **robing rooms** —

d. **detention rooms** —

e. attorney/client conference rooms —

f. waiting rooms —

g. record rooms —

h. court reporter rooms —

i. administrative offices —

j. restrooms —

public:

staff:

k. hallways —

l. cafeteria/vending machine rooms —

m. parking facilities —

n. **courthouse grounds, back entrances, etc. —**

### **Courthouse operations**

Are there directional signs posted in easily visible locations? Do people seem to get lost and wander around the courthouse frequently?

Where are important support services, facilities or departments located? For example: Legal Aid, detention facilities, mental health department? If these services are not located in the courthouse, how far away are they located?

Are there facilities for handicapped persons? If not, would major renovations be required to provide access for the handicapped?

### **Recommendations**

If new construction was possible, what would you recommend?

What changes not requiring additional construction would you make? Are there procedures or facilities in other courthouses which you believe could be instituted here?

Summary of most problems (and possible solutions) in this Family Court:

What facilities or procedures existing in this court do you feel serve as examples of appropriate planning and operation?

**PHYSICAL FACILITIES**

**SURVEY**

**VOLUNTEER EVALUATION**

**A. General Information**

1. Name \_\_\_\_\_

2. Date \_\_\_\_\_

3. County \_\_\_\_\_

4. Address of Court \_\_\_\_\_

5. Are there other locations for this court in the County \_\_\_\_\_  
Yes No

5a. If "Yes", please list address(es).

\_\_\_\_\_

**B. FACILITIES** — Please rate accordingly: **Excellent, Good, Fair, Poor.**

Please indicate reasons for **Fair** and/or **Poor**.

	LIGHTING	AUDIBILITY	TEMPERATURE	CLEANLINESS
COURTROOM(S)				
COMMENTS:				
WAITING ROOMS				
COMMENTS:				
CHAMBERS				
COMMENTS:				

LIGHTING

AUDIBILITY

TEMPERATURE

CLEANLINESS

ROBING ROOMS

--	--	--	--

COMMENTS:

DETENTION

--	--	--	--

COMMENTS:

RECORD ROOMS

--	--	--	--

COMMENTS:

ADMIN. OFFICES

--	--	--	--

COMMENTS:

REST ROOMS  
STAFF

--	--	--	--

COMMENTS:

REST ROOMS  
PUBLIC

--	--	--	--

COMMENTS:

COURT REPORTERS  
ROOM

--	--	--	--

COMMENTS:

ATTY/CLIENT  
CONF. ROOMS

--	--	--	--

COMMENTS:

**C. SECURITY** — Please rate accordingly: **Excellent, Adequate, Poor.**

Please indicate reasons for your rating.

	EXCELLENT	ADEQUATE	POOR
JUVENILE DETENTION			

COMMENTS:

RECORD ROOM			
----------------	--	--	--

COMMENTS:

WAITING ROOMS			
------------------	--	--	--

COMMENTS:

CORRIDORS			
-----------	--	--	--

COMMENTS:

ELEVATORS			
-----------	--	--	--

COMMENTS:

COURT ENTRANCE (LOBBY)			
------------------------------	--	--	--

COMMENTS:

OFFICES			
---------	--	--	--

COMMENTS:

**D. INFORMATION SERVICES**

1. Is there an information center? \_\_\_\_\_  
Yes No

a) If Yes, where is it located in the court? \_\_\_\_\_

b) If Yes, who staffs the center? \_\_\_\_\_

2. Are there directories in the court? \_\_\_\_\_  
Yes No

a) If Yes, where are they located?  
\_\_\_\_\_

3. Are there bilingual signs and directions in the court? \_\_\_\_\_  
Yes No

a) Is there a need for bilingual signs? \_\_\_\_\_  
Yes No

b) If Yes, what language? \_\_\_\_\_

4. Are calendars posted in the court? \_\_\_\_\_  
Yes No

a) If Yes, where are they located? \_\_\_\_\_

**E. ACCESSIBILITY AND CONVENIENCE**

1. Is the court accessible to public transportation? \_\_\_\_\_  
Yes No

a) If so, explain \_\_\_\_\_

2. Are there parking facilities available? \_\_\_\_\_  
Yes No

a) For staff? \_\_\_\_\_  
Yes No

b) For public? \_\_\_\_\_  
Yes No

3. Is the court accessible for handicapped persons, i.e. are there facilities for the handicapped?  
\_\_\_\_\_  
Yes No



**APPENDIX C**

**Scheduling Formats, Training Program Outlines**

## INFORMATION BOOTH STAFFING SCHEDULE

### Bronx Family Court

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>A.M.</b> 9:15 - 1 p.m.	Ada Barry  Mark Dinep  Carmen Gonzalez	Mark Dinep  Carmen Gonzalez  Carmen Rodriguez - Johnson	Alberta Amodio  Ada Barry  Carmen Rodriguez - Johnson  <b>substitutes:</b>  Mark Dinep  Carmen Gonzalez	William Erwin  Carmen Gonzalez  Carmen Rodriguez - Johnson  <b>substitutes:</b>  Mark Dinep	William Erwin  Hilda Nunez  Frances Rodriguez  <b>substitutes:</b>  Alberta Amodio  Ada Barry
<b>P.M.</b> 2 - 5 p.m.	Ada Barry  Mark Dinep  Carmen Gonzalez	Grace Carelli  Mark Dinep  Hilda Nunez  <b>substitutes:</b>  Carmen Gonzalez	Alberta Amodio  Ada Barry  Carmen Gonzalez  <b>substitutes:</b>  Mark Dinep	Mark Dinep  Carmen Gonzalez  Hilda Nunez	Alberta Amodio  Ada Barry  Hilda Nunez  <b>substitutes:</b>  Carmen Gonzalez  Frances Rodriguez

## **Court Monitoring Project—Poughkeepsie Training—April, 1975**

*Orientation:* March 19th, Dutchess Community College 2:30 - 4:00

We had sent out about 35 invitations to service organizations, church groups, and key individuals; all of whom we thought might be interested in the project.

The purpose of this meeting was to introduce the project, and ask for support, and names of people who might be interested in monitoring.

*1st Training:* April 10th, Dutchess Community College 1:00 - 2:30

A Public Defender and an Ex-Offender were our speakers. The purpose of this session was to give the monitors an opportunity to hear about the criminal justice system as viewed by two different adversary parties. The ex-offender reminded us that everyone in the courtroom is a human being, first and foremost. The session was tape recorded.

*2nd Training:* April 17th, Dutchess Community College 1:00 - 2:30

Dutchess Co. District Attorney addressed himself to the path of the accused and the role of the prosecutor. The session was tape recorded.

The monitors filled out schedules of when they would be available, and what courts they would prefer to monitor in.

*3rd Training:* April 24th, Dutchess Community College 1:00 - 2:30

We saw a film, *The Trial*, which was done by the Dutchess Co. Magistrates. We went over the monitor forms and monitor instructions. The tape recordings were available for anyone who had missed the first two sessions. Times and courts were assigned to the monitors.

All monitors were instructed to observe in court, during the week between training sessions.

IN SERVICE TRAINING was held on May 19th, Dutchess Community College, 1:00 - 2:30

Our purpose was to give those who wanted it an opportunity to share their experiences and evaluate the May monitoring. We also made recommendations for the Fall monitoring.

Wine & Cheese Rap session was held on June 5th; 5:30, at the coordinator's home.

Our purpose was to give the individuals an opportunity to make suggestions for the Fall as a result of their experiences in May.

Each monitor received the following during training:

Handbook

Observation Forms

List of all monitors and their observation schedules

Training schedules

List of courts that will be observed and sample court calendar

List of D.A.'s and Public Defenders and the courts that they appear at

Background information regarding courtroom personnel

Periodic in service training

2nd Monday of each month 1:00 - 2:30

Speakers that will be decided as we go along, depending on what the monitors might like to know more about

Evening courtroom visit, to the Town of Hyde Park for all monitors, with discussion by Justice Mangold

Evening tape session for those interested in monitoring the Town Courts call evening sessions

"Buddy Captains" would always be available

## POUGHKEEPSIE TRAINING SCHEDULE FOR THE FALL

The monitors are the single most important group in the Project, and therefore must be well-trained. They will be the visible aspect of the Project to the public, the news media, and the judiciary, among others.

Monitor's responsibilities include:

- 1—Attending three 1½ hr. training sessions.
- 2—Attending three 2hr. courtroom observation sessions, (training)
- 3—A minimum commitment of ½ day per week for 5 months (Oct. - Feb.)
- 4—Punctuality and regular attendance for assigned monitoring.
- 5—Attending monthly in-service training sessions.

*1st Training Session:* Monday; September 15th: 1:00 - 2:30  
Dutchess Community College Hudson Hall Room \_\_\_\_\_

Introduction of Project  
Distribute Handbook, information forms and Observation forms  
Describe Role of Monitor and "Buddy System"  
SPEAKER: District Attorney Albert Rosenblatt

September 16th - 19th 2 hour courtroom observation with "Buddy"

*2nd Training Session:* Monday; September 22nd; 1:00 - 2:30  
Dutchess Community College Hudson Hall Room \_\_\_\_\_

Discuss Handbooks  
Discuss Observation forms  
Complete Monitoring Schedules  
SPEAKER: Public Defender Woody N. Klose

September 23rd - 26th 2 hour courtroom observation with "Buddy"

*3rd Training Session:* Monday; September 29th; 1:00 - 2:30  
Dutchess Community College Hudson Hall Room \_\_\_\_\_

Discuss Observation forms  
Distribute Monitoring Schedules  
SPEAKER: an Ex-Offender

September 30th - October 3rd. 2 hour courtroom observation with "Buddy"

*In Service Training:* 2nd Monday of each month; 1:00 - 2:30  
Dutchess Community College Hudson Hall Room \_\_\_\_\_

For further information please contact Kirk Rumble; 473-1057.

## **Court Monitoring Project**

### **Rochester Training**

Tuesday, April 29, 1975                      9:00 A.M. to 2:30 P.M.  
St. Luke's Church  
17 S. Fitzhugh St., Rochester

New volunteers will be expected to attend the full day. Present court observers may attend the full day, or from 12 noon to 2:30.

Please bring a sandwich. Beverage will be provided.

*PLEASE NOTE:* The church is *ST. LUKE'S* not First Presbyterian. The training will be on the third floor next to the Church Women United office. Entrance to the church is on the northeast side of the church between St. Luke's and the Board of Education building. The door is marked "Tyler House".

The schedule for the day will be as follows:

- 9:00—Welcome
  - Explanation of project
  - Background of organizations involved – Task Force on  
Courts of Church Women United      Fund for Modern Courts
  - Handbook for Monitors
- 9:30—Tour of City and County Criminal Courts
  - Observe in County Court and Supreme Court
- 11:00—Criminal Court Procedures – from arrest to disposition
- 12:00—Break
- 12:15—Lunch with a lawyer (Bring your sandwich – beverage provided)
  - Topic—My view of the trial courts in Monroe County and possibilities for improvement.
- 1:30—Explanation of Report Forms
  - Instructions for court observers
  - Evaluation of training

## **Court Monitoring Project—Rochester Training—September, 1975**

New volunteers are required to attend two training sessions and a monthly task force meeting thereafter. It is also recommended that you observe on your own between the 2 training sessions if possible.

Experienced volunteers are asked to attend the 2nd training session and monthly task force meetings thereafter.

**I—First Training Session: Wednesday, Sept. 24, 1975 9:30 a.m. Dining room, St. Luke's Episcopal Church, 17 S. Fitzhugh**

**9:30—Welcome**

Background of Task Force on Courts Lois Davis  
Background of Fund for Modern Courts Anne Nelson

**10:00—Criminal Court Procedures  
Report Forms**

**10:45—Tour of Courts and observe.**

**12:15—Forum on Justice luncheon series – Functions of the County Court Judge**  
Panel: Peter Yellin, Public Defender  
Donald Wisener, Assistant D.A.  
Anne Nelson, Task Force on Courts

**II—Second Training Session: Wednesday, Oct. 1, 1975 1:00 - 3:00 p.m.**  
County Courtroom, 2nd floor, Hall of Justice

**Preceded by luncheon at 12:15 – Candidates for District Attorney**

**1:00—Review of criminal court procedures with further explanation of a Hentley and Wade Hearing, and activities of a trial – Assistant District Attorney, Tony Sciolino**

**2:30—Explanation of report forms and how to fill out – Anne Nelson**

**3:00—Sign-up period and teaming new volunteers with experienced ones  
Evaluation of training**

**III—October Monthly Task Force Meeting**  
Wednesday, October 8, 1975 12:15 p.m.  
First Presbyterian Church, 101 Plymouth Ave. S.

**12:15—Forum on Justice series Political forum: Candidates for Town Justice**

**1:30—Task Force meeting**  
Review of filling out report forms, problems, mistakes, etc.

### **Materials every volunteer should have**

Task Force on Courts Guidebook  
Court Monitor's Handbook from Fund for Modern Courts  
Survey of Court Observer's Programs – May 1975 Judicature  
Monitor Information Sheet – to be turned in at meeting  
Training Evaluation Sheet – to be turned in at meeting  
Guide to Tour of Courts  
Task Force Button or Court Monitoring Project name tag  
List of District Attorneys and Public Defenders presently assigned to each judge  
Instruction sheet for monitoring in Rochester  
Report Forms

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**Court Monitoring Project  
New York City Training  
April - May 1975**

APRIL

MONDAY	TUESDAY	WEDNESDAY	24	25	26
<p>21 *Court Tour 10 a.m. Brooklyn Criminal Court 5-7 p.m. 120 Schermerhorn Street Mike Belson, D.A. Dennis O'Leary Court Officer Lobby Main Floor</p>	<p>22</p>	<p>23 *Court Tour 10 a.m. Brooklyn Crim. Ct. 1-3 p.m. Michael Belson, D.A. Dennis O'Leary Court Officer (Meet by candy stand in lobby) 120 Schermerhorn Street</p>			<p>Manhattan Crim. Court 10 a.m. Charles Meara 100 Centre St. (Meet at round information desk in the lobby) Criminal Court Building</p>
<p>28 10 a.m. Legal Aid Office 15 Park Row 10th Floor Manhattan  Mat Rosen, Legal Aid Bob Kasanof Private Attorney</p>	<p>29 *Court Tour 10 a.m. 2:30 p.m. Legal Aid Officer 15 Park Row 10th Floor Manhattan  Mat Rosen, Legal Aid Bob Kasanof Private Attorney</p>	<p>30 *Court Tour 10 a.m.</p>	<p>1 May 2 p.m. Byrne Room 6th Floor Association of the Bar of the City of N.Y. 42 W. 44th St. Manhattan</p>	<p>2 10 p.m. Byrne Room 6th Floor Association of the Bar of the City of N.Y. 42 W. 44th St. Manhattan</p>	

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\*Court Tour Information: Tour will be in the Manhattan Criminal Court. Pick your time and inform our office. We will call the court to tell them how many are coming each scheduled day. They need to know by April 17 for the first tour, so do this quickly. Meet at the round information desk in the lobby at 100 Centre Street of the day you are scheduled to take the tour. It may as long as 2 hours. You may ask questions.

## COURT MONITORING PROJECT TRAINING SCHEDULE

Monday 9/22	Tuesday 9/23	Wednesday 9/24	Thursday 9/25	Friday 9/26
<p>Introductory meeting 10 A.M. - Sondra Solomon Fern Schair</p> <p>Initial information regarding -history of FMC -goals of CMP -expectations of monitors -brief explanation of changes in format -monitors role -public information aspect -explain importance of subjective observation as well as objective data collection (hand out badges, handbooks)</p>	<p>Introductory meeting 2 P.M. Same format as 9/22 meeting</p>	<p style="text-align: center;">BROOKLYN Criminal 10 A.M. Supreme 2 P.M.</p> <p style="text-align: center;">MANHATTAN Criminal 2 P.M. Supreme 10 A.M.</p> <p style="text-align: center;">Court observation to take place after court tours</p>	<p style="text-align: center;">BROOKLYN Criminal 2 P.M. Supreme 10 A.M.</p> <p style="text-align: center;">MANHATTAN Criminal 10 A.M. Supreme 2 P.M.</p>	<p>General meeting 10 A.M. -hand out form -brief orientation how to use -questions and answers regarding court observation -Mel Rivers -group exercises</p>
Monday 9/29	Tuesday 9/30	Wednesday 10/01	Thursday 10/02	Friday 10/03
<p>General Meeting 2PM Same format as 9/26</p>	<p>District Attorney 10 A.M. -role of D.A. in court system -D.A.'s view of court problems -explanation of arrest, arraignment, booking, hearings, motions and pleas Questions &amp; answers Observe court in afternoon</p>	<p>Observe court in morning</p> <p>2 P.M. same format as 9/30 meeting</p>	<p>Final meeting 10 A.M. Mel Rivers -role playing (in mock court) -questions and answers regarding forms courtroom activity -give out monitoring schedules supply of forms</p>	<p>Final meeting 2 P.M. same format as 10/2</p>

**Court Monitoring Project**

**Glens Falls Training**

**Tuesday, April 29, 1975**

**Supreme Court Room, Warren County Municipal Center**

2:30 p.m.—Purposes and Objectives – Jeanne Moore

2:50 p.m.— Court Organization in New York State – Edward F. Layden, Attorney

3:30 p.m.—N.Y.S. Criminal Justice System – Ted Kusnierz, Regional Director, N.Y.S. Div. of Probation

4:15 p.m.—Monitoring Procedures – Jeanne Moore

4:30 p.m.—Sign Up Before You Leave

**Monday May 5 - Friday May 9**

**VISIT and OBSERVE IN YOUR ASSIGNED COURT**

**DISCUSSION OF COURT VISITS**

**Thursday May 8, 1975**

— Crandall Library  
(Brown Room)

1:30 p.m.

or 7:00 p.m.

*Resource People* 1:30 p.m.  
(1:45 - 2:30 p.m.)

*Resource People* 7:00 p.m.  
(7:15 - 8:15 p.m.)

Peter FitzGerald, Attorney  
(Former Assistant D.A.)  
Ted Kusnierz (see above)

Joseph Brennan, Attorney  
Vernon Green, Attorney and former  
Village Justice

Fund for Modern Courts  
COURT MONITORING PROJECT  
Glens Falls Area

FALL TRAINING  
for  
MONITORS

SESSION I at Warren County Municipal Center  
small Court Room  
on Tuesday September 16, 1975  
3:00 - 6:00 P.M.

I Explanation of project  
purposes-people-Fund for Modern Courts

II What we're looking for via the form.  
what and why items are there  
introduction to next item.  
setting the stage

III "WHAT HAPPENS IN THE COURTROOM?"

Cast: Judge ..... Judge John G. Dier  
District Attorney ..... Peter FitzGerald  
Defense Counsels ..... Joseph Brennan  
Edward Layden  
Defendants ..... unsuspecting monitors

Monitor filling out form on overhead projector as scenes take place)

Scenes (actual script to be put together from actual cases with only the names changed by  
Messrs. FitzGerald & Brennan):

ARRAIGNMENTS  
HEARINGS  
NON-JURY TRIAL  
PLEADINGS  
SENTENCING

A—Questions Re Form & Scenes

IV How to Monitor—Do's and Don'ts . . . . K. Cornwell & Joan Kubrick

V TEAM SIGN UP . . . . Pick up kits or supplements.

SESSION II Court visit and tour with Team Leader—dates prearranged  
with Judges. Actual monitoring sessions with trained  
monitors on the team.

SESSION III at Crandall Library, downtown Glens Falls  
Monday September 29 3:00 P.M. - 6:00 P.M.

QUESTION AND ANSWER SESSION

**APPENDIX D**

**Sample Press Releases, Report Outlines**

For further information contact:  
Margaret Booth  
(212) 245-7222

**FOR IMMEDIATE RELEASE**  
Monday, July 19, 1976

### **CITIZENS TO MONITOR NEW YORK STATE FAMILY COURTS**

New York, N. Y., Monday, July 19, 1976 — The Fund for Modern Courts announced today it has received a grant from the New York State Division of Criminal Justice Services (DCJS) to conduct a citizen monitoring project in the New York State Family Court.

The new project, the first to involve citizens in systematically monitoring the Family Court on a statewide basis, will study the complex problems facing this Court and make specific recommendations for its improvement.

According to Fern Schair, Executive Director of the Fund, "This effort aims at the effective recruitment, screening and utilization of trained lay citizens with the goals of collecting and evaluating information on the quality and efficiency of the courts."

The Project is designed as the second half of a three year citizen court monitoring effort. It is an outgrowth of an 18-month study in which citizens monitored criminal courts in New York City, Poughkeepsie, Rochester and Glens Falls.

"Our first report demonstrated that it is possible to establish an on-going dialogue between citizens and the judiciary," Schair said, adding, "and there is clearly a need for more detailed public scrutiny and understanding of the operation of our courts. We hope to expose trained laypersons to the actual day-to-day operations of the Family Court so they can observe how juveniles and family members are treated within the system," she said.

The monitoring effort will focus specifically on the reasons for adjournments and delays, the efficiency of courthouse scheduling, and the adequacy of physical environment.

A comprehensive report will be issued at the completion of the study which will analyze the observations of the monitors and make recommendations for improvement in the Family Courts. Geographical areas which will be observed are in the process of being determined.

The Fund for Modern Courts is a statewide court reform group which seeks to educate the public about problems in New York's court system.

For further information contact:  
Virginia T. Wood - (212) 575-1577  
Robin E. Rosenberg - (212) 869-1130

For release **Wednesday, April 4, 1979. 11 A.M.**

## **LACK OF SECURITY IN FAMILY COURT CITED IN CITIZEN REPORT**

In Chemung, Rockland, Kings and Tompkins Counties, more than 70 citizen volunteers, under the auspices of the Fund for Modern Courts, Inc., a non-profit court reform organization, observed and collected data on Family Court proceedings, processing of juvenile delinquency and Persons in Need of Supervision (PINS) cases, physical facilities and general operations of the court.

At a news conference this morning, Fern Schair, Executive Director of the Fund, stated: "This report marks the close of a four year pioneer effort by the Fund for Modern Courts to introduce and expand citizen monitoring of the courts statewide in New York. This and other projects involving citizen participation in the court system are the best hope for raising the recently documented low level of public confidence in the administration of justice in this state." Ms. Schair then introduced Virginia T. Wood, the director of the Family Court Project, who discussed the findings and recommendations in the report.

Ms. Wood stated that one of the major concerns detailed in the report was the lack of adequate security in courtrooms and waiting areas in the four Family Courts. Citizen monitors reported that security personnel are not regularly assigned to the waiting areas and that there is often no security coverage in upstate courtrooms. In Kings County Family Court, it was noted that the court officers stationed at the main entrance of the building were rarely seen inspecting parcels or handbags and generally did not stop or question anyone entering the building. The need for added measures was made clear by several violent incidents which were observed by monitors in the courtrooms and waiting areas.

A widespread lack of adequate detention facilities for adults and juveniles in Family Courts statewide was also noted in the monitoring project report. The citizen volunteers who participated in the three-month survey urged that the serious need for such separate and secure facilities be evaluated and acted upon as an urgent priority.

Monitors for the Fund found that while the quality of representation for juveniles in the more than 500 cases observed was found to be generally adequate, delays and adjournments were sometimes caused by attorneys being either late or unprepared. In addition, reports by the probation departments and other court-related agencies were often not ready and cases had to be adjourned.

Monitors in all four areas expressed serious concern about the apparent lack of adequate facilities for placement and treatment of juvenile delinquency and PINS children in New York State. Cases were observed where juveniles were either sent home or were placed in apparently inappropriate institutions because proper facilities were not available.

Another observation made by monitors in the four counties was that information services were either non-existent or insufficient in the Family Courts, and volunteers recommended that citizen information services be established in all courts. The need for accurate and visible court directories and directional signs was also indicated in the monitoring report, as well as the importance of having bi-lingual signs where appropriate.

Also detailed in the Fund's report are the serious inadequacies in physical facilities in the Kings and Chemung County Family Courts. Monitors in Chemung found that the current facility is seriously overcrowded, and they urged consideration of plans to move the court into another building. The Kings County Family Court building, in addition to being overcrowded, is in need of extensive repair. Fallen plaster, peeling paint and roaches throughout the building were observed by the monitors, and immediate steps to remedy these serious conditions were recommended in the report.

"The present situation in the Family Courts throughout the State both in terms of facilities and procedures, warrants a closer look and evaluation by those who are in positions of authority to remedy some of the ills and concerns in this citizen report," Ms. Wood stated.

The Fund for Modern Courts, Inc. is a statewide, non-profit, non-partisan citizens organization concerned with the quality of justice in New York State. Composed of laypeople and lawyers, the Fund works with a 38-member Coalition of Organizations for Court Reform to educate the public about the need for improving the State's court system. Recognizing that broad public understanding is a prerequisite for improving the system, the Fund offers a variety of educational programs to inform citizens about their courts and how they operate.

Members of the Board of the Fund for Modern Courts, Inc. served on the statewide Project Advisory Board, which was the policy making body for the project. The members of this group were:

Chairman Richard Coyne, Vice President, Chairman Task Force on Courts, Economic Development Council of New York City, Inc.;

Frances Friedman, Chairwoman, Subcommittee on Juveniles, Special Committee on Penology, Association of the Bar;

Pauline Feingold, Assistant Commissioner of Correction, New York City;

Donald Grajales, Director Region II, Legal Services Corporation, (recently appointed to New York City Criminal Court);

Robert MacCrate, Former President, New York State Bar Association, currently in private practice and present Chairman of the Fund for Modern Courts;

Archibald R. Murray, Executive Director, Attorney-in-Chief, Legal Aid Society;

Flora Rothman, Chairwoman, Justice for Children Task Force, National Council of Jewish Women; and Hon. Caroline K. Simon, Former Judge, Court of Claims, Former Secretary of State of New York, currently in private practice.

The statewide project was funded by grants from the New York State Division of Criminal Justice Service and New York Foundation. Copies of the report can be obtained by writing to the Fund for Modern Courts, Inc., 36 West 44th Street, New York, New York 10036.

# GLOSSARY

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**(C) = Criminal Court**

**(F) = Family Court**

## **ABATED (C)**

A possible disposition of a case. The case is dismissed, usually because of the death of a party to the case.

## **ACCESSORY (C)**

A person who contributes to or aids in the commission of a crime. One who aids without being present at a crime.

## **ACQUITTAL (C)**

A verdict or finding of not guilty by a jury, or a judge in the case of a bench trial.

## **ADJOURN (CF)**

To postpone the case to a later time.

## **ADJOURNMENT IN CONTEMPLATION OF DISMISSAL (ACD)**

(C) An option not to prosecute in exchange for the fulfillment of certain conditions in cases involving a misdemeanor or less for a set period of time. If at the end of the time, the charges haven't been reinstated, and the conditions were met by the defendant, the case is automatically dismissed and the charge is erased from the record.

(F) A dismissal of the petition to take effect at some time in the future, usually 6 months, if the same or other misbehavior does not occur in the interim.

## **ADJUDICATE (CF)**

to hear (or try) a matter before the court.

## **ADMISSABLE EVIDENCE (CF)**

Evidence or testimony which is allowed by the judge to be introduced during the trial.

## **ADMISSION, DENIAL (CF)**

At the fact-finding hearing the judge will ask if the respondent admits or denies. That refers to whether the individual admits or denies committing the allegations in the petition.

## **AFFIDAVIT (C)**

A written declaration or statement sworn to and affirmed.

## **APPEAL (CF)**

To ask for a review by a higher court of the bail, the sentence, a decision, a motion or the verdict handed down by a lower court.

## **APPEARANCE TICKET OR SUMMONS (C)**

A summons to appear in court on a particular date. Issued by a police officer after or in lieu of arrest.

## **APPLICATIONS OR MOTIONS (C)**

Procedural moves made by either attorney and submitted to the court. They help to define and set the ground rules for the proceedings of a particular case.

## **ARRAIGNMENT (C)**

The appearance before the court of a person charged with a crime; at this time he or she is advised of the charge(s) against him or her.

**ARREST (F)**

In some proceedings in the Family Court a juvenile may be taken into custody and detained in an appropriate facility when his or her parents are unknown or cannot be reached. The Family Court Act authorizes the taking of juveniles into custody but does not use the word arrest. The Family Court refers instead to "custody and detention."

**ARSON (C)**

The willful of malicious burning of, or setting fire to, a dwelling or other structure or personal property.

**ASSAULT (C)**

An unjustified attack upon a person with an intent to injure or kill him or her.

**BAIL (C)**

Security given a court in exchange for the release of a person in custody to assure their appearance later.

**BAIL BOND (C)**

An obligation to pay the amount of bail if the person fails to appear in court when requested.

**BAR**

Refers to attorneys, counsellors and advocates of the court collectively.

**BENCH-WARRANT (C)**

A direction by the court for the apprehension and arrest of a defendant or one in civil contempt or sought in a civil case.

**BRIDGE**

The table behind which the defendant stands when he or she comes before the judge. The bridgeman is the person who handles the routing of the documents between the judge, the clerk, and the attorneys.

**BURGLARY**

The entering of another's property without permission and with intent to commit a crime.

**CALENDAR (C & F)**

The list of cases which are to be heard in a particular court.

**CASE LAW**

Non-statutory law, based on past decisions, opinions, interpretations, traditions.

**CHALLENGE (C)**

The right of one party to object to a juror during the selection of the jury before the trial.

**CHANGE OF VENUE (C)**

Transfer of a case for trial to another county or district, often because of claimed prejudicial publicity in the original district.

**CHARGE (C)**

In criminal law, the accusation made against a person. In civil and criminal law, it also refers to the instructions on law that the court gives the jury at the end of the trial.

**COMMITMENT (C & F)**

The order of a court to keep a person in custody in a penal or detention facility, mental institution, or hospital.

**COMMUTATION (C)**

A reduction of punishment or sentence after conviction.

**COMPLAINANT (C)**

The victim of a crime who brings the facts to the attention of the authorities.

**COMPLAINT (C)**

The document prepared by the plaintiff to set forth his or her claims.

**CONCURRENT & CONSECUTIVE SENTENCE (C)**

A concurrent sentence is one in which the sentences for different offenses are served at the same time. A consecutive sentence is one in which one sentence is served after another one has been completed.

**CONDITIONAL DISCHARGE (C)**

A sentence wherein the defendant is released on certain conditions set by the court.

**CONTINUANCE (C)**

The postponement of a legal proceeding to another set date.

**COURT REPORTER (C & F)**

A stenographer who records verbatim the proceedings in open court.

**CRIME (C)**

A crime is an offense punishable by more than 15 days in jail.

**CROSS EXAMINATION (C)**

The questioning by a party or the attorney of the opponent's witnesses.

**DECREE (C)**

A formal determination of the court.

**DEFAULT (C)**

Failure to appear and defend a lawsuit.

**DEFENSE ATTORNEY (C)**

Attorney representing the accused.

**DELAY**

A postponement of case proceedings to a later part of the same session or day.

**DEMURRER (C)**

A defendant's answer to a charge against him or her. It admits the facts while denying legal responsibility.

**DEPOSITION (C)**

A written statement made under oath.

**DESIGNATED FELONY ACT (C & F)**

An act committed by a person fourteen or fifteen years of age which, if done by an adult, would be a Class A or Class B felony (a) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (manslaughter in the first degree); 130.35 (rape in the first degree); 130.50 (sodomy in the first degree); 135.20 (kidnapping in the second degree); or 160.15 (robbery in the first degree) of the penal law; or (c) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree.

**DETENTION (F)**

The temporary care and maintenance away from their own homes of children held for or at the direction of the Family Court pending adjudication of alleged juvenile delinquency or need for supervision. Juveniles may also be detained pending transfer to institutions or facilities while awaiting disposition after adjudication.

**DISCHARGE WITH A WARNING (F)**

The release of the child by the judge with a warning against further misconduct.

**DISPOSITION (F & C)**

The outcome of a case

**DISPOSITIONAL HEARING (F)**

In the case of a petition to determine delinquency, a hearing to determine whether the respondent requires supervision, treatment or confinement. In the case of a petition to determine need for supervision, a hearing to determine need for supervision, a hearing to determine whether the respondent requires supervision or treatment.

**DISTRICT ATTORNEY (D.A.) and ASSISTANT DISTRICT ATTORNEY (ADA)**

The prosecutor on behalf of the people against the accused.

**DOCKET**

The formal record maintained by the clerk of court, listing all cases to be heard in a particular part each day. In Criminal Court, the docket often contains the defendant's name, docket number, charge, date of arrest, and outcome of the case. In Family Court, the names of petitioners and respondents as well as the type of petition are listed.

**DUE PROCESS**

Regular and orderly administration of justice by a court in accordance with established rules.

**EXCEPTION (C)**

An objection made to a court's ruling or its charge to the jury.

**EXHIBITS (C)**

Documents or other tangible evidence.

**EXTORTION (C)**

The taking of money or property by threat or force or under pretense of authority.

**EXTRADITION (C)**

The process for return of a fugitive from one state to another which wants him or her for a criminal offense.

**FACT-FINDING HEARING (F)**

In the case of a petition to determine delinquency, a hearing to determine whether the respondent did the act alleged in the petition which, if done by an adult would constitute a crime. In the case of a petition to determine whether the respondent did the act alleged to show that he/she violated a law or is incorrigible, ungovernable or habitually disobedient and beyond the control of his/her parents, guardian, or legal custodian.

**FAMILY COURT ACT (F)**

The state statute that describes the jurisdictions, powers, and actions of the Family Court.

**FELONY (C)**

A crime that may be punishable by imprisonment for more than one year or up to five years of probation supervision.

**GRAND JURY (C)**

A group of citizens that examines evidence against a person suspected of a crime. If it decides that the person should be held for trial, the foreman writes a "true bill" on the indictment and signs it.

**HABEAS CORPUS (C)**

A writ that requires a person having another in custody to produce that person before the court, to show that they have a right to custody.

## **HEARSAY EVIDENCE (C)**

Testimony that is brought out by the witness which is based not on his or her personal knowledge but rather on information he or she received from someone else. Generally it is not acceptable because the informant is not available for cross examination.

## **INCARCERATION**

Imprisonment.

## **INCOMPETENT (C)**

Refers to a defendant who is unfit to stand trial because he or she is unable to understand the nature of the case, due to a mental or physical condition.

## **IN CAMERA (C)**

In private chambers, in secrecy, off the record.

## **INDICTMENT (C)**

The document prepared by the District Attorney and approved by the grand jury which charges a certain person with a certain crime.

## **INFORMATION (C)**

The written charge against a defendant filed by the District Attorney without grand jury action.

## **INJUNCTION (C)**

A court order prohibiting a certain named person from performing certain acts.

## **JURISDICTION**

The geographical area and the type of case over which a court has authority.

## **JUVENILE DELINQUENT**

A person at least 7 years of age and less than 16 years of age who commits an act that, if done by an adult, would constitute a crime.

## **JUVENILE OFFENDER (C & F)**

A 13, 14 or 15 year-old criminally responsible for acts constituting murder 2, and a 14 or 15 year-old criminally responsible for acts constituting kidnapping 1, arson 1 and 2, assault 1, manslaughter 1, rape 1, sodomy 1, burglary 1 and 2, robbery 1 and 2; or **attempt** to commit murder 2 or kidnapping 1. However, juvenile offenders will be criminally responsible for felony murder only when criminally responsible for the underlying predicate felony.

## **LARCENY (C)**

Taking property from another with intent to defraud and deprive that person of it. Petit larceny is the charge for amounts up to \$250.00; grand larceny is the charge for amounts over that.

## **MAGISTRATE (C)**

An officer having the power to issue a warrant for arrest of a person charged with a crime. All judges are magistrates but not all magistrates are judges.

## **MANSLAUGHTER (C)**

The killing of one person by another although without intent to kill, or under the influence of extreme emotional disturbance.

## **MISDEMEANOR (C)**

An offense that is punishable by not more than one year in jail.

## **MISTRIAL (C)**

A trial which is invalid because of some error in procedure, law, or fact.

**MOTION (C)**

See "applications."

**NOLO CONTENDRE (C)**

"I do not wish to contest." A plea made by defendant; while not an admission of guilt, it means the defendant will not challenge the charges but will submit to the court imposed punishment.

**NON-SECURE DETENTION FACILITY (F)**

A facility characterized by the absence of physically restricting construction, hardware and procedures.

**NONSUIT (C)**

Dismissal of a lawsuit when the plaintiff abandons it or fails to prove his or her cause.

**NYSIIS**

New York State (Investigating Division)—Identification and Intelligence System. A state report of a person's previous record of criminal activity, obtained by a person's fingerprints.

**OBJECTION (C)**

A protest made to record one party's disapproval of a question asked by their opponent.

**OFFENSE (C)**

A violation of a local municipal regulation. The violation of any criminal ordinance or statute is commonly designated an offense.

**ORDER OF PROTECTION (F)**

A paper issued by a judge ordering that a parent, guardian, spouse, etc. provide proper care for, or refrain from abusing, the child, spouse, or other family member.

**ORDINANCE**

A regulation established by a local government.

**PARDON (C)**

An order releasing a person convicted of a crime from the punishment imposed by the court. Only the Governor has that power in the state.

**PAROLE**

A conditional release from custody.

**PENAL LAW (CODE) (C)**

The code that defines the behavior that, when committed by adults, is punishable by imprisonment, fine or probation.

**PERJURY**

The legal offense of testifying falsely and deliberately under oath.

**PERMANENTLY NEGLECTED CHILD (F)**

A court adjudication terminating parental custody and rights on the grounds that the parent or guardian has failed for more than one year to maintain contact, plan or provide for the future of the child under the age of 18 who was placed in the care of an authorized agency, institution or foster home.

**PERSON IN NEED OF SUPERVISION (PINS) (F)**

A male or female less than 16 years of age who does not attend school, is incorrigible, habitually disobedient and beyond lawful control of parent or guardian or other lawful authority. These acts if committed by an adult who would not constitute a crime. (PINS are sometimes referred to as "status offenders".)

**PETITION (F)**

In Family Court, cases are referred to by type and the procedures of each case differ. The processing for each major category is initiated by filing a petition requesting that the Family Court hear the case.

**PETITIONER, COMPLAINANT (F)**

The complainant or victim of the alleged offense or the policeman who brings that fact to the attention of the authorities.

**PLEA**

The reply of the defendant to the charges.

**PRELIMINARY HEARING**

(C) To determine if there is sufficient evidence to warrant submitting a felony case to the grand jury; and in New York City to determine if there is sufficient evidence that a crime was committed and the defendant is the offender.

(F) The initial appearance(s) before a judge at which time the petition is read, rights explained, attorneys assigned, charges explained and future hearing dates set.

**PRE-SENTENCE INVESTIGATION (C)**

A report on the defendant done by the Probation Department and submitted to the judge for consideration before sentencing.

**PRETRIAL CONFERENCE (C)**

A meeting, after indictment, in which the judge, defense attorney, prosecutor and defendant try to conclude a case without a trial.

**PRIMA FACIE (C)**

"On the face of it." Where sufficient evidence has been produced to obtain a conviction unless overcome by additional evidence.

**PRISONER'S PEN (C)**

The detention center where the prisoners wait to be brought before the judge.

**PRIVILEGED COMMUNICATION**

A statement made to a person of trust (Minister, doctor, lawyer, wife, husband). It cannot be revealed without the originator's consent.

**PROBATION**

A sentence that allows a person found guilty of a crime to not be incarcerated, but to be under the supervision of a probation officer for a definite period of time.

**PROBATION INTAKE (F)**

That branch of the Probation Service which is authorized to interview petitioners and respondents before any contact with the court to see if that matter can be resolved without referral to the court. This out-of-court resolution is called "adjustment." Probation cannot compel anyone to appear nor deny anyone access to court.

**PUBLIC DEFENDER**

The attorney representing a defendant who cannot afford private counsel.

**QUASH (C)**

To make void, or do away with. Example: an indictment may be quashed if there is not enough evidence to hold a suspect for trial.

**RELEASE ON OWN RECOGNIZANCE (ROR) (C)**

The defendant is released without bail, pending a trial or other court action.

**REMAND (F)**

An order by the judge that a child be kept at a detention facility while awaiting a hearing.

**SEARCH WARRANT (C)**

A written order issued by a judge directing a police officer to search a person or place for particular articles specified in the warrant.

**SECURE DETENTION FACILITY**

A facility characterized by physically restricting construction, hardware and procedures.

**STATUTE**

Any law passed by a local, state or federal legislative body.

**STAY OF EXECUTION (C)**

A temporary delay of the enforcement of sentence after the defendant has been found guilty.

**STIPULATION (C)**

An agreement between the parties of their attorneys.

**SUBPOENA**

A court order requiring a witness to attend; it may also order him or her to bring books or records with them.

**SUMMONS**

The process by which a defendant is advised that there is a claim against him or her; it may also be a notification to a witness or a juror to appear in court.

**TESTIMONY**

Words heard from the witnesses in court (as distinguished from evidence derived from writing).

**TRANSCRIPTS**

An official record of proceedings in court recorded by the court stenographer.

**TRIAL**

A proceeding in court where the charge and facts in question are reviewed and the guilt or innocence of the defendant is determined.

**TRUE BILL**

The endorsement of an indictment when the Grand Jury finds it to be sustained by the evidence; also, the bill so endorsed.

**UNCONDITIONAL DISCHARGE**

A possible disposition of a case; the defendant is released without any court-imposed conditions.

**VENUE**

The county in which a prosecution or an action is brought to trial.

**VIOLATION**

An offense that is punishable by not more than 15 days in jail.

**WAIVE**

Voluntary surrender of a right, claim or privilege.

**WARRANT/SUMMONS**

A court order requesting either the arrest or the appearance in court of an individual.

**WITHDRAWAL OF PLEA**

The court at its discretion, may permit a plea believed to be made unknowingly and involuntarily, to be withdrawn and a plea of not guilty submitted.

**YOUTHFUL OFFENDER (YO)**

A person who is 14 to 19 years of age who has not had a prior felony conviction and who is not currently being tried for an A felony. At any point in the proceedings the judge has the option of treating that individual as a "YO" rather than an adult in the eyes of the court. The individual's records are sealed, the jury dismissed and the individual is remanded to a special correctional facility if sentence is imposed.

**END**