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**The Need for an Additional Judge in the
Yonkers City Court**

A Report by Assemblymember Shelley Mayer
(90th A.D., Yonkers)

July 18, 2013

Credit to James Lee, J.D., for assistance with this report

The Need for an Additional Judge in the Yonkers City Court

I. Introduction

Both the New York State Assembly and the New York State Senate recently passed A.6552/S.4043, a bi-partisan bill that would add an additional judge to the Yonkers City Court. This bill was a “program bill” prepared by the New York State Office of Court Administration (OCA). This bill, among other provisions, provides for an additional City Court Judge to be elected during the election of November 2014, and begin service January 1, 2015.ⁱ The cost of the additional judge would be supported by the OCA, and not by the City of Yonkers.ⁱⁱ The bill also adds additional judges to other local courts throughout the State, and makes other improvements to the administration of the state’s courts. To date, the bill has not been sent to Governor Andrew Cuomo for his signature.

This memo analyzes the data regarding the usage of the Yonkers City Court and addresses the underlying need for an additional City Court Judge. We are hopeful that Governor Cuomo will sign the bill and ensure that adequate resources are allocated to the extremely busy Yonkers City Court. We believe that with an additional judge, all those who use the Court and those who practice before it will benefit by fewer delays and speedier resolution of pending legal matters.

II. Basic Jurisdiction of the Yonkers City Court

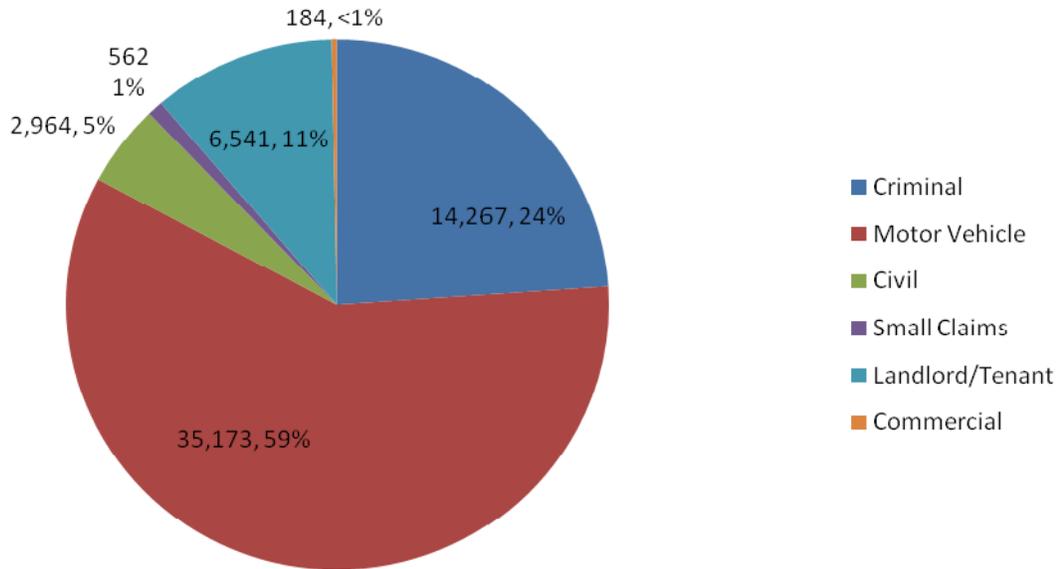
The Yonkers City Court was created and operates pursuant to the Uniform City Court Act. It has the authority to hear both criminal and non-criminal cases within Yonkers. The court has preliminary jurisdiction of felonies, trial jurisdiction of misdemeanors, and exclusive jurisdiction of petty offenses.ⁱⁱⁱ The court may also hear civil cases up to \$15,000^{iv}, housing violations^v, small claims^{vi}, and commercial claims^{vii}.

III. Caseload Activity Strongly Supports Adding Another Full-Time Judge^{viii}

During 2011, Yonkers City Court handled 59,691 cases. The vast majority of those cases were motor vehicle at 35,173, or 59% of total caseload activity. Next, there were 14,267 criminal cases amounting to 24% of all cases. 6,541 housing cases represented 11% of all case activity. There were 2,964 civil cases equating to 5% of the caseload activity. Finally, small claims and commercial cases represented only miniscule amounts at 562 or 1% and 184 or less than 1%, respectively.

<u>Yonkers City Court Caseload Activity 2011^{ix}</u>	
Case Type	Number of Cases
Criminal	14,267
Motor Vehicle	35,173
Civil	2,964
Small Claims	562
Landlord/Tenant	6,541
Commercial	184
Total	59,691

Yonkers City Court Caseload Activity by Type 2011



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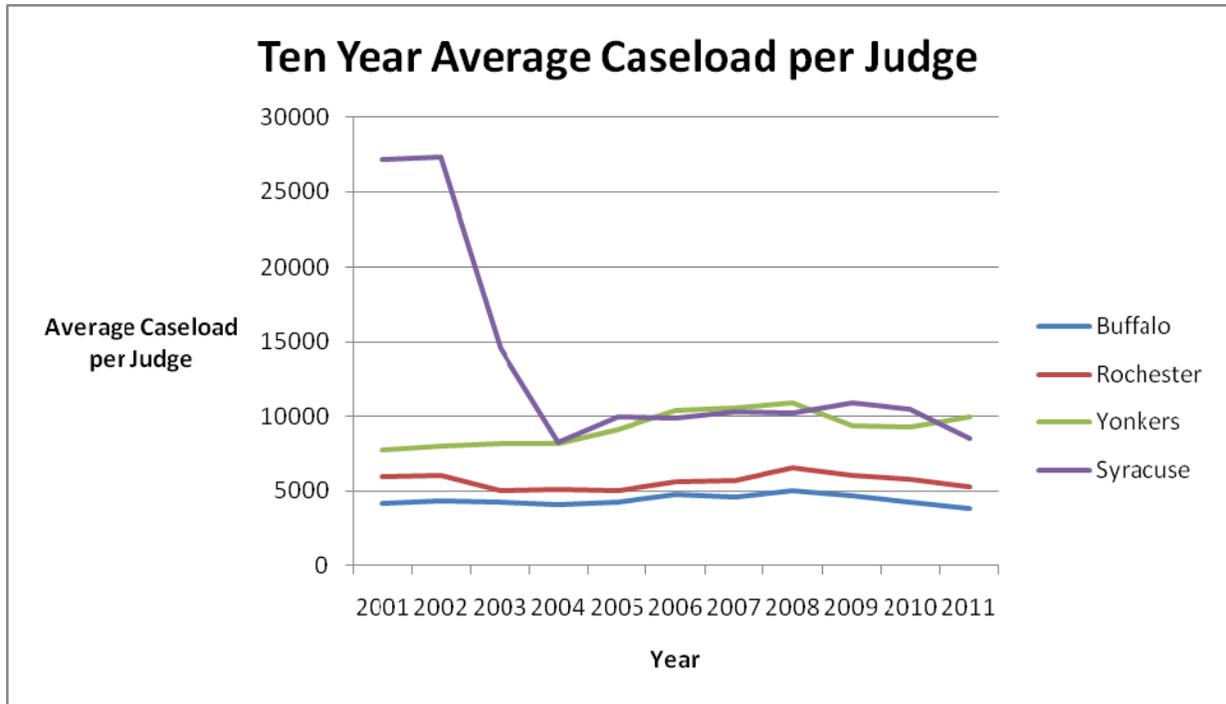
IV. Judges

The Uniform City Court Act authorizes six full-time judges to sit for the Yonkers City Court.^{xi}

Although six judges were elected to the Yonkers City Court, one, Judge Mary Anne Scatteratico-Naber, has been sitting as an acting Family Court Judge since 2010.^{xii} The chief administrator of the Unified Court System has constitutional and statutory plenary authority to temporarily reassign a city court judge to a county, family, or district court in the same county of residence.^{xiii} Thus as a practical matter, the Yonkers City Court functions with only five full-time judges.

The Yonkers City Court has some of the highest annual average caseloads per judge in any large city outside of New York City. At 9,949 cases per judge in 2011, Yonkers City Court Judges had greater caseloads than Buffalo (3,845 per judge), Rochester (5,254 per judge), or Syracuse (8,504 per judge). Over a ten year period, from 2001 to 2011, Yonkers City Court Judges have had consistently higher

caseloads than City Court Judges in Buffalo and Rochester. Only Syracuse has a ten year historical average on par with Yonkers.



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Yonkers also has not received a legislative increase to its number of judges since 1990.^{xv} That increase did not go into effect until April 1, 1991, and the election to fill the extra seat was not held until November 1991. This is in stark contrast to additions to City Court Judges in other large cities that have all received at least one increase to its judicial resources since 2000. Buffalo had its City Judges increased from 12 to 13 in 2001^{xvi}, Rochester increased its judges from 8 to 9 in 2001^{xvii}, and Syracuse increased its judges from six full-time and one part-time to seven full-time and one part-time in 2001^{xviii} and then to eight full-time in 2006^{xix}.

V. Conclusion

An extremely high volume of cases and too few judges has created a significant strain on the Yonkers City Court. An additional City Court Judge is needed to guarantee the timely resolution of legal matters for all citizens of Yonkers and all those who use the Yonkers City Court.

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- ⁱ N.Y. PUB. OFF. LAW §4(1) (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ⁱⁱ N.Y. JUD. LAW §220 (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ⁱⁱⁱ N.Y. CRIM. PROC. LAW § 10.30 (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{iv} N.Y. UNIFORM CITY CT. ACT § 202 (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^v N.Y. UNIFORM CITY CT. ACT § 203 (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{vi} N.Y. UNIFORM CITY CT. ACT § 207 (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{vii} N.Y. UNIFORM CITY CT. ACT, art. 18-A (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{viii} All figures were obtained from the most recent, publicly available ANNUAL REPORTS OF THE CHIEF ADMINISTRATOR OF THE NEW YORK STATE UNIFIED COURT SYSTEM, *available at* <http://www.nycourts.gov/reports/annual/index.shtml>.
- ^{ix} HON. ANN PFAU & HON. GAIL PRUDENTI, NEW YORK STATE UNIFIED COURT SYSTEM, ANNUAL REPORT OF THE COURT ADMINISTRATOR (2011), <http://www.nycourts.gov/reports/annual/pdfs/2011annualreport.pdf>.
- ^x *Id.*
- ^{xi} N.Y. UNIFORM CITY CT. ACT § 2104(d)(61) (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{xii} New York State Unified Court System Judicial Directory, <https://www.nycourtsystem.com/Applications/JudicialDirectory/Bio.php?ID=7030247> (last visited July 14, 2013).
- ^{xiii} N.Y. CONST., ART. VI, §26(j)(2); N.Y. JUD. LAW §212(2)(c) (West, Westlaw through 2013 N.Y. Sess. Law ch. 1-45 and 50-55).
- ^{xiv} ANNUAL REPORTS OF THE CHIEF ADMINISTRATOR *supra*, note 7.
- ^{xv} 1990 N.Y. Sess. Laws ch. 209 §8 (West, Westlaw).
- ^{xvi} 2001 N.Y. Laws 3104.
- ^{xvii} *Id.*
- ^{xviii} *Id.*
- ^{xix} 2006 N.Y. Laws 3377.