



NEW YORK STATE

*Town &
Village
Justices*



A Tradition Of Service To The Community

When our nation's founders developed the framework of our judicial system over 240 years ago, they could scarcely have imagined the challenges facing modern society. Yet throughout our history, from state and national constitutions to landmark Supreme Court decisions, the judicial branch has remained a stabilizing force in American society.

Nowhere is this more evident than with New York State's Town and Village Justices. There are almost 1,200 justice courts in New York State. Every day, local town and village justices make important decisions affecting the lives of thousands of our neighbors.

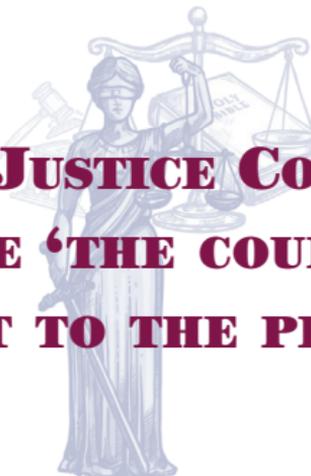
Clearing Up Misconceptions

Whether on a local, state, or federal level, the judicial branch of government is a separate, equal and distinct branch. Not too long ago, town justices were also members of the town board, playing an integral part in the day-to-day operation of town government. For ethical reasons, justices are no longer members of the town boards. While this development has been good for judicial integrity, it has created a situation where the duties, powers and responsibilities of the judicial branch are often misunderstood by other municipal branches.

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

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

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



**“... JUSTICE COURTS
ARE ‘THE COURTS
CLOSEST TO THE PEOPLE.’”**

Realm of Jurisdiction

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

Civil jurisdiction of a local town or village court is currently limited to \$3,000.00. In landlord/tenant proceedings, however, the monetary jurisdiction is unlimited.

Actions can be filed in the regular civil part. Individuals can also file actions in the procedurally more relaxed small claims part of the court. New York State Town and Village Courts have criminal jurisdiction over all misdemeanors, violations, and infractions. They have arraignment and preliminary jurisdiction over

felonies. Jury and single judge trials are conducted. The most common laws violated or governing the processes followed in justice court are listed in the chart on the next page.

Family Offense Proceedings

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

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

Qualifications

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

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

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Common Laws:

ALCOHOLIC BEVERAGE CONTROL LAW

CIVIL PRACTICE LAW & RULES

CONTRACT LAW

CRIMINAL PROCEDURE LAW

DOMESTIC RELATIONS LAW

ENVIRONMENTAL CONSERVATION LAW
(HUNTING-FISHING-LICENSING-POLLUTION)

LOCAL LAWS & ORDINANCES

MENTAL HYGIENE LAW

NAVIGATION LAW

PARKS & RECREATION LAW

PENAL LAW

PUBLIC HEALTH LAW

REAL PROPERTY ACTIONS &
PROCEEDING LAW

SMALL CLAIMS LAW

TAX LAW

THRUWAY RULES & REGULATIONS

TRANSPORTATION LAW

UNIFIED JUSTICE COURT ACT

VEHICLE AND TRAFFIC LAW

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

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

Looking Toward The Future

Local courts handle millions of cases each year and contribute greatly to the funding of State and Local governments.

Unlike the executive and legislative branches, the judicial branch does not have the authority to finance its operations, raise taxes or otherwise support itself. It relies on town and village boards for the funding of facilities and staff. It has long been the goal of local courts to serve the people by providing justice — substantial, timely and equal justice — and to fulfill the notions of a separate, independent

judicial branch as set forth by our forefathers in the Constitution. To do this, town and village justices must be given reasonable and necessary funding to support an independent judiciary — one that is not subservient to the other municipal branches.



About The New York State Magistrates Association

The New York State Magistrates Association is an organization of approximately 2,700 sitting and retired town and village justices. There are approximately 1,200 town and village justice courts statewide filled by men and women from the local communities in which they serve. Some of the justices sit as both a town and village justice. Town and village justices make up approximately 2/3's of all sitting justices in the State of New York Unified Court System.

Court Clerks

Every court needs at least one clerk. While much of a court clerk's responsibilities center on record keeping and the handling of monies taken in by the court through fines and fees, court clerks handle correspondence, prepare the court calendar and even issue certain notices of petition and judgements. An experienced court clerk can lift the burden of clerical detail from the justice, although it is the justice who is ultimately responsible for all the work performed by the clerk.