



# 2023 Annual Conference

*Syracuse, New York*

## **How to Effectively Communicate With Town & Village Boards**

Date: Monday, October 2, 2023

Instructors:

Hon. David Gideon

Hon. Karl Manne

This program has been approved for credit in  
New York State for all attorneys  
including those who are Newly Admitted  
(less than 24 months) and administered by  
the Onondaga County Bar Association





# How to Effectively Communicate with your Town or Village Board

2023  
New York State Magistrates Association Conference  
Syracuse, New York

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## Discussion Topics

1. How to pursue an increase in—  
or challenge a proposed reduction of—judicial  
compensation
2. Hiring, supervising and discharging court  
clerks
3. Acquiring needed equipment or improvements  
to facilities
4. Requesting a security audit or a financial audit  
(and how they can help with the above items)

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## Your court is a co-equal branch of government, but...



### Your municipal board:

- Sets your salary
- Decides whether you need the assistance of a court clerk
- Establishes your court's operating budget

### **How do you ask for more?**

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## To get the resources you need...

1. Define your court's role in the community  
Identify the resources you need
2. Gather the facts you need for items 1 & 2
3. Know what you can—and cannot—do to make your case (think: ETHICS)
4. What are you doing to build a strong relationship with your board?

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How do your municipal leaders  
perceive your court?



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Making the case for:  
Increased Security / Facility Improvements

Do you have the court facilities you need  
to conduct court business in public?

- Judiciary Law § 4: “[S]ittings of every court within this state shall be public”
- 22 NYCRR § 214.2(a): “When facilities are provided by the municipality, the sessions of the court shall be held therein.”
- Don’t conduct arraignments (or other court business) in your home.

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Making the case for:  
Increased Security / Facility Improvements

Are your court's facilities safe?

- "Court facilities" is more than your court: it includes the court office and your chambers (if any)
- "Guidelines for New York State Court Facilities" (22 NYCRR Part 34)
- Security Assessments

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Making the case for:  
Increased Security / Facility Improvements

Creative options:

- JCAP and/or other Grants
- If your court and your municipal board share space, can improvements to the court also benefit the municipal board?

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## Making the Case for a Raise in Judicial Salary

Can your municipal board...

- Pay you a “meager” salary?
- Pay you and your co-judge different salaries?



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## Making the Case Against a Reduction in Judicial Salary

Can your municipal board...

- Reduce your salary in your current term?
- Reduce your salary in a future term?
- Reduce your healthcare benefits? Now/Later?



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## Making the Case to Get Your Expenses Reimbursed



Must your municipal board pay for...

- Your Continuing Judicial Education expenses?
- Your membership in the SMA?

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## Don't Give Your Municipality a Reason to Deny Your Request

1. Review your judicial education obligations including:
  - You must attend a program of domestic violence every two years; an ethics program and implicit bias training annually
2. Review your administrative obligations:
  - a) You must visit a local jail once each term
  - b) You must complete and file a bank account statement with the Office of Justice Court Support.

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## Don't Give Your Municipality a Reason to Deny Your Request

3. Know that your oath of office needs to be filed— within 30 days after the commencement of your term of office—in the following **three** places:
  - a) The Office of Court Administration [Office of Justice Court Support]
  - b) Your county clerk
  - c) Your municipal clerk

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## Employing, Supervising and Discharging Court Clerks

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## No Court Clerk?



You have more than judicial powers: you also have the powers conferred on court clerks, regardless of whether your municipality employs a clerk.  
(UJCA § 103)

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How Can You Convince Your Board That You Need A Clerk?

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Consider the following:

Has your caseload increased consistently over the past few years?



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Consider the following:

Have revenues from your court increased consistently over the past few years?



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## Consider the following:

Does your court have adequate checks and balances without a court clerk?



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## Hiring / Firing the Court Clerk

1. Does a justice have the inherent authority to create the position of court clerk?
2. Who appoints the clerk?
3. Who may discharge the clerk?
4. Advice & consent

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## What DOES a Clerk Do?

- Create a list of the responsibilities and skills & abilities.
- The list can form the basis of a job description should your municipality move forward and agree to hire (or replace) a clerk.
- Note: Clerks have to file an oath of office too!



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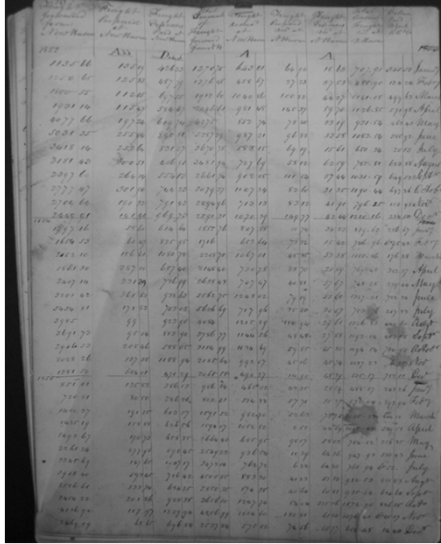
## A Few More Thoughts on Clerks

- Residency requirements
- Can a Justice's spouse or relative serve as court clerk? 22 NYCRR § 100.3(c)(3)



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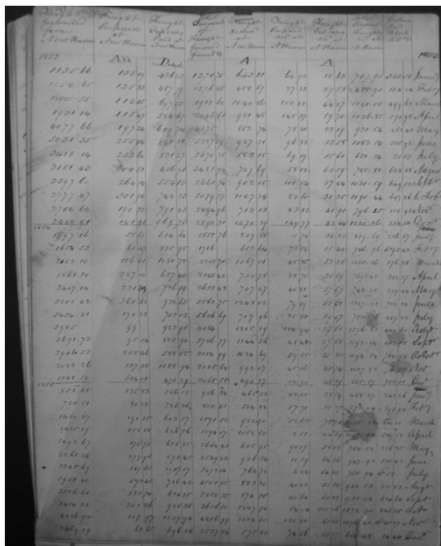
# Audits & Recordkeeping



At least annually, you must present your records and docket to your municipality's audit board.  
(UJCA § 2019-a)

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# Audits & Recordkeeping



Know your fiscal & recordkeeping obligations.

For example, you must deposit any money your court collects within 72 hours of receiving it (exclusive of Sundays & holidays).

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## Audits

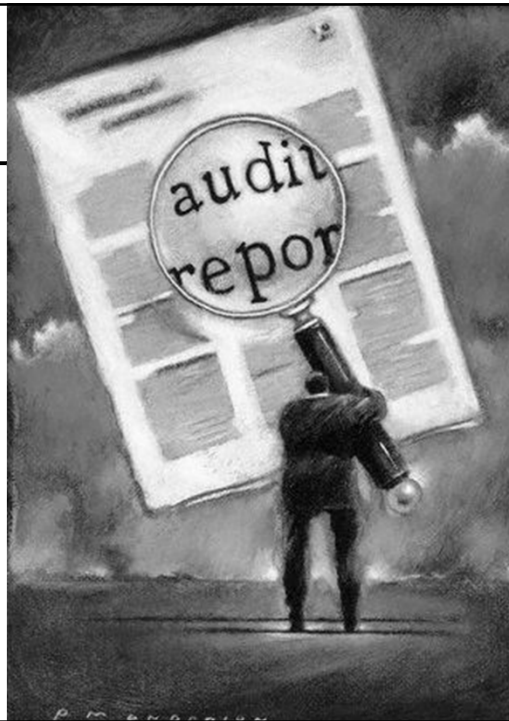
- A. You may request an audit from OCA.
  
- B. How can an audit help you obtain or discharge a clerk?



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## Audits

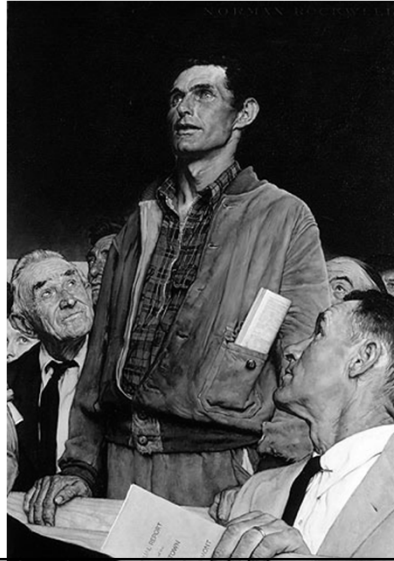
- C. How can an audit help you obtain needed equipment or expanded facilities?
  
- D. How can an audit enhance your relationship with your municipal board?



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## Advocating for Your Court

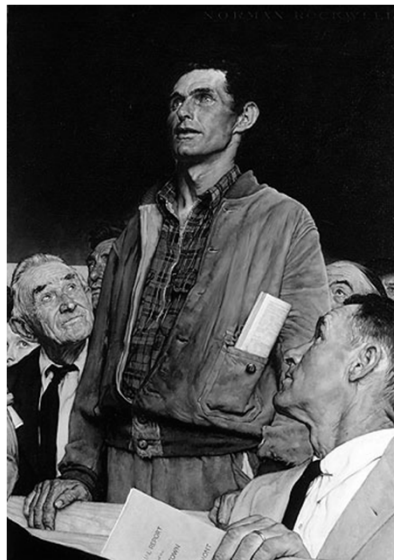
1. May you speak publicly at a municipal board meeting to request additional resources?
2. May you write a letter to your local newspaper to advocate for additional resources?



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## Advocating for Your Court

3. Can you comment publicly if your municipality wants to abolish or consolidate your court?
4. What information may you provide to persuade your board that you need additional resources?



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Questions?