

I rise in defense of state's courts

By JUDITH S. KAYE

As chief judge, I present a State of the Judiciary address each January, summing up the accomplishments of the New York courts over the past year and our plans for the year ahead. Despite the extraordinary challenges of 2001, I was pleased to report on Monday that the New York judiciary is as strong as ever.

Regrettably, however, the courts are generally in the news only when the news is negative. Criticism and suggestions that can make us better are welcome, but it's a shame that the public doesn't get the full picture of what we're about. So it is with great interest that I have followed the Daily News editorial series "Judging the Judges."

I agree with The News that as a public institution the courts must seek ways to better serve the public — and we do. I also agree that as a public institution the courts must recognize their accountability to the public — and we do.

That is perhaps nowhere better shown than by the astronomical case dispositions by our trial judges: for the year 2000, for instance, 1,147,343 criminal cases, 1,224,990 civil cases, 695,431 Family Court cases and 135,475 Surrogates Court cases. By any standard, that is a remarkable record of productivity for the state's 1,137 trial judges.

With more than 3 million new cases a year, our judiciary does an outstanding job serving the citizens of this state. Overwhelmingly our judges, whether elected or appointed, are dedicated, hardworking and effective, resolving demanding case dockets with skill, care and efficiency.

At the same time that we have concentrated on the day-to-day business of managing and resolving staggering case-

loads, the courts have successfully integrated significant changes in operations, such as reforming the jury system and introducing a commercial division, drug courts, domestic violence courts and children's centers.

I disagree with The News that an individual judge's performance can be measured by number of hours inside the courtroom or number of reversals. It might be nice to have a simple test to rate a judge. But given the nature of the work, a judge's competence cannot be evaluated by a box score. That does not make the courts any less accountable than the other branches of government.

Our daily business, by definition, is open to the public. With rare exception, the courtroom doors are wide open all day. Hearings and case files are open to the public, judges' decisions and orders are public and appellate reviews of trial decisions are published.

Information about the daily activity of courts and judges is publicly available, as is evident from statistics cited in The News' editorials. Bar associations publish their ratings of candidates for judicial office.

Complaints of judicial misconduct are reviewed by the state Commission on Judicial Conduct, an independent, constitutional body. Its rebukes of sitting judges are published. Indeed, two such rebukes were reported in The News last month, and two more this week.

Yes, the court system uses certain standards in assessing how we might better manage our caseloads. But it is unrealistic to gauge a particular judge's productivity or work ethic by those statistics, given the nature of what judges do. So



MARCOS OKSENHENDLER DAILY NEWS

many factors affect what a judge does on any given day — the complexity of a case, the frequency and type of motions made, the number of parties and trial witnesses in the litigation, even whether the necessary parties show up when they are supposed to, just to name a few.

And yes, we have problems. No human endeavor is perfect. But we try to recognize our problems and resolve them where we can, as shown most recently by our action on appointments of fiduciary guardians.

Throughout our nation's history, our courts have protected rights, punished wrongs and helped to distinguish us as a land of freedom and opportunity. I feel that is true of the New York courts in particular. As we work to improve the judicial system, let's not lose sight of the great resource we have in the New York judiciary.

Kaye is chief judge of New York.

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29