APPROVAL # 103

CHAPTER 684

Print. 3788, 4500 Intro. 3493

IN SENATE

February 22, 1962

Introduced by Mr. ALBERT—(on the recommendation of the Joint Legislative Committee on Court Reorganization)—read twice and ordered printed, and when printed to be committed to the Committee on Judiciary—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT

To amend the judiciary law, in relation to the administrative supervision of the unified court system of the state of New York

The People of the State of New York, represented in Senate

Compared by Kelly, Regan, McMahon

APPROVED

APR 24 1962

Approved

Senate

MO

PRINT NO. 4500 INTRO. NO. 3493 4/3/62

Department & Agencies

- ✓ Lt. Governor
- ✓ Attorney General
- ✓ Budget
- ✓ Comptroller

- Ag. & Markets
- Banking
- Civil Service
- Commerce
- Conservation
- Correction
- Education
- Health
- Insurance
- Labor
- Mental Hygiene
- Motor Vehicles
- Public Service Comm.
- Public Works
- ✓ Social Welfare
- State
- Tax & Finance

- Atomic Energy
- Civil Defense
- General Services
- Housing
- Investigation
- Liquor Auth.
- Local Gov't
- Mil & Naval Aff.
- Parole
- Rent Comm.
- St. Comm. Vs. Discrim.
- St. Police
- State Univ.
- Transportation
- Veterans Aff.
- Youth Comm,

- Advisory Council on
- ✓ Joint Legis. Comm. on Court Reorganization

State Charter and Sup + Surrogate Ct Bar

Legal Groups

- ✓ Judicial Conf. ✓
- Law Revision Comm.
- ✓ Assoc. of the Bar, NYC
- ✓ N. Y. Co. Lawyers
- ✓ N. Y. State Bar
- ✓ Nassau County Bar
- ✓ Bronx County Bar
- ✓ Fed. of Bar Assoc. West. NY
- ✓ N. Y. Crim. Cts. Assoc.
- D. A. Assoc.
- ✓ Magistrates Assoc.
- ✓ C. Judges Assoc.
- ✓ Surrogates Assoc.
- ✓ Assoc of Supreme Court Judges

Municipal Officials & Groups

- ✓ Mayor of NYC
- Co. Bd. of Supervisors
- Town Supervisor of
- Co. Atty. of
- ✓ Conf. of Mayors
- ✓ County Officers' Assoc.
- Association of Towns

- ✓ Committee for Modern Cts
- ✓ Erie Co. Bar Assoc
- ✓ Nassau " " "
- ✓ Onondaga " " "
- ✓ Westchester " " "
- ✓ Suffolk " " "
- ✓ Broome " " "
- ✓ Sen Albert
- ✓ League of Women Voters

Begun

STATE OF NEW YORK
SUPREME COURT APPELLATE DIVISION
THIRD DEPARTMENT

FRANCIS BERGAN
PRESIDING JUSTICE

ALBANY COUNTY COURT HOUSE
ALBANY 7, NEW YORK

S. 3493

April 6, 1962

M E M O R A N D U M

TO: Hon. Robert MacCrate

RE: Senate Intro. # 3493, Pr. # 4500, An Act to amend the judiciary law, in relation to the administrative supervision of the unified court system of the State of New York

The Association of Supreme Court Judges recommends that the above-entitled measure be approved.

Francis Bergan

CITY COURT OF THE CITY OF NEW YORK
111 CENTRE STREET
NEW YORK 13, N. Y.

CHAMBERS OF
FRANCIS E. RIVERS
JUSTICE

April 19, 1961

Dear Howard:

Enclosed is the letter to Governor Rockefeller signed by each of the chief judges whose names appear on the head of the enclosed copy-letter which is intended for your information.

Also enclosed is a letter from me personally to Mr. MacCrate which contains a more detailed analysis of the dimensions of the problem as well as refers to a letter mailed by me to the Governor on April 17th, a letter which probably will have no chance to win out over the many thousands of competing letters and reach his attention.

If you could get these communications into the hands of the respective addressees, I would appreciate it immensely even without your assurance that the contents will be noted and acted upon.

With thanks and many best wishes,

Sincerely yours,

Francis E Rivers

Mr. Howard A. Jones
Executive Chamber
Albany, New York

fer/fs

Encls.

Lawrence J. Paltin
Chief Justice
CITY COURT OF THE CITY OF NEW YORK
111 Centre Street
New York 13, New York

John M. Murtagh
Chief Justice
COURT OF SPECIAL SESSIONS
100 Centre Street
New York 13, New York

Harold J. McLaughlin
President Justice
MUNICIPAL COURT OF THE
CITY OF NEW YORK
111 Centre Street
New York 13, New York

Abraham M. Bloch
Chief City Magistrate
MAGISTRATES' COURTS OF THE
CITY OF NEW YORK
100 Centre Street
New York 13, New York

April 19, 1961

Hon. Nelson A. Rockefeller
Executive Chamber
Albany, New York

Dear Governor Rockefeller:

As heads of the four courts handling the main volume of civil and criminal cases in New York City, we are calling attention to the grave danger of the possible chaos threatened for the city within little more than a year from now due to the probable abolition of all civil and criminal courts below the Supreme Court.

The court reorganization resolution (to be acted upon by the voters this November) provides for the abolition of the City, Municipal, Special Sessions and Magistrates' Courts in this city on September 1, 1962, and charges the Legislature with the duty of creating and having ready for operation by that time successor courts, to be known respectively as the City-wide Court of Civil Jurisdiction and the City-wide Court of Criminal Jurisdiction. In the event the Legislature fails in this duty and successor courts cannot take over immediately upon termination of the existing courts, the law enforcement indispensable for the operation of a large city will be impossible: without Magistrates' and Special Sessions Courts, processing of law violations, whether of a traffic or criminal nature, would be impossible; without City and Municipal Courts, the processing of landlord and tenant disputes would be impossible; and the law of the jungle would replace the rule of law in the City of New York.

The task for the Legislature to meet the deadline is formidable, since it requires the accomplishment, within the few remaining months, of laws to create successor courts for these four abolished courts, to rewrite at least four codes of procedure, to reapportion electoral districts for choosing judges, and to solve a myriad of problems which will be not only of a legislative but also of a political, administrative, fiscal and judicial administration nature.

Particularly difficult for the Legislature will be the problem of adjusting, as between the State and the City, the share of the increased annual cost of operating the courts caused by the judicial reorganization.

To do so stupendous a job the Legislature, by resolution, has provided for a committee of ten persons which will be charged also with recommending all legislation needed to implement the proposed Judiciary Article, which makes their total task one of revising and reorganizing the following laws: County, Domestic Relations, Judiciary, Code of Criminal Procedure, Children's Court Act of the State of New York, Domestic Relations Court Act of the City of New York, New York City Court Act and Municipal Court Code, and the New York City Criminal Courts Act.

This committee, which has not yet been appointed, must complete all this work (with an appropriation of $50,000) and submit its report, with legislative proposals, by January 15, 1963. The task is almost impossible, and the Legislature must provide a large amount of additional machinery to enact in time the legislation needed to avert disaster for New York City.

As Chief Justices of the courts to be abolished and dependent upon the action of the Legislature for creation of successor courts, we feel it our duty to urge that whatever steps are possible for correcting this situation be executed with the maximum of speed.

We therefore ask that, in the event a special session of the Legislature (as has been rumored) is convened, included among its assignments shall be the responsibility of providing sufficient machinery by way of commissions or committees, with ample appropriations, to insure the enactment of the laws requisite for the creation and existence of operating successor courts by the date of the termination of present courts.

It would seem to us that the Legislature at such time might consider the advisability and need for separate committees for each of the following problems: (1) creation of the new civil court; (2) creation of the new criminal court; (3) creation of the new family court; and (4) doing the handling of all other acts necessary for legislative implementation of the Erwin-Lounsberry Resolution.

You can understand that, as Chief Justices of courts staffed with a large number of judicial and nonjudicial personnel and with hundreds of thousands of pending cases, a possibly desperate situation confronts us personally and hence gives us especial entitlement to seek your aid in this manner.

With warm personal regards, in which each of us joins,

Respectfully yours,

LAWRENCE J. PELTIN, Chief Justice
City Court of the City of New York

JOHN M. MURTAGH, Chief Justice
Court of Special Sessions

HAROLD J. McLAUGHLIN, President Justice
Municipal Court of the City of New York

ABRAHAM M. BLOCH, Chief City Magistrate
Magistrates' Courts of the City of New York

PERILS THREATENED BY LEGISLATIVE DEFAULT IN ENACTING LAWS TO IMPLEMENT COURT REORGANIZATION RESOLUTION

If the Erwin-Lounsberry Resolution for court reorganization is approved by the voters of New York State this November, it will mean the abolition in New York City of all the lower civil courts (City and Municipal) and all the lower criminal courts (Special Sessions and Magistrates) as of September 1, 1962.

Before that time arrives the Legislature must have enacted laws necessary to create successor courts (the city-wide court of civil jurisdiction and the city-wide court of criminal jurisdiction) and in sufficient time for them to be ready to operate and take over the work of these lower courts as soon as they terminate on September 1, 1962.

Failing consummation by the Legislature of these new courts by this "D-Day", New York City will have the novel and ugly experience of learning the indispensability of operative lower civil and criminal courts to the functioning of a great city.

Just to mention a few of the more obvious results of such hiatus in court services in New York City: (1) traffic would be paralyzed since no courts would exist to punish or deter traffic violators; (2) enforcement of the criminal law would be impossible since no courts would exist for the arraignment of arrested persons and the jails would soon be too overcrowded to continue to arrest criminal wrongdoers; (3) landlord and tenant relations would erupt in violence when tenants could defy landlords by remaining in

premises after ceasing to pay rents, and landlords could, with impunity, defy tenants by withholding all services; (4) victims of assault or other criminal maltreatment, unable to get any redress from the courts, must use self-help or submit to intimidation or physical injury; and (5) persons injured by negligent operation of automobiles or by other civil wrongs would be unable to commence any lawsuit to recover damages.

It is unnecessary to give further examples: absence of a lower civil and a lower criminal court in New York City for even a short period of time after September 1, 1962, would mean chaos and paralysis and incalculable loss for the entire city and state as well as for all the citizens.

There is no basis for saying: "It can't happen here," as can be seen from the estimate below of the factors involved in the total situation respecting the chances of timely accomplishment of the minimum laws required.

When the enormity and complexity of the legislative task of creating the required successor courts by September 1, 1962, is measured against the absence of interest, creative work and determination marking the conduct of the Legislators to date, it is difficult to avoid this conclusion: the Legislature will be unable to have the necessary laws on the statute books by the September 1, 1962 deadline and hence a hiatus in court services for an indefinite period after that date seems a real possibility.

Consider first the fact that the momentum behind reorganization of the court system of New York State has vanished even before the proposed constitutional amendment of court reform has been actu-

ally approved by the electorate.

The effective pressures applied by the Governor, the Majority Leader of the Senate and the Speaker of the Assembly in 1960, individually and collectively, to force through the Legislature the proposed new Judiciary Article are conspicuously absent today on behalf of enacting legislation indispensable for the creation and existence of a functioning court system on the effective date of the new Article.

What was regarded until this year as a chance for constructive court reform as well as a live and dynamic political issue by all political parties, the press, the Bench and Bar, and the voter is the concern today of really a few persons, of whom some regard it mainly as only a tiresome bill-drafting chore, while others regard it as only a patronage opportunity.

If the proposed Judiciary Article is approved in November, 1961. there will be eleven court systems in the State of New York which will cease to exist on September 1, 1962, the effective date of the Article. While the five higher criminal courts in New York State, so abolished, will continue as a part of the Supreme Court, successor courts for the other six court systems abolished must be created by laws adopted prior to this abolition.

The abolition of these courts will require during the same period that the Legislature enact legislation necessary to revise and reorganise the following laws, among others: County, Domestic Relations, Judiciary, Code of Criminal Procedure, New York City Court Act and Municipal Court Code, Children's Court Act of the State of

New York, Domestic Relations Court Act of the City of New York, New York City Criminal Courts Act, as well as other consolidated and unconsolidated laws.

In addition to the enactment of these laws, the creation of these successor courts as operating units by September 1, 1962, will require the solution within little more than a year of a myriad of problems which will be of a legislative, political, administrative, fiscal and judicial administration nature. Any chance for successful solution of these problems will require the active participation of the Governor and Legislature of the State, the Judicial Conference, the Mayor and the Board of Estimate of the City of New York, the State and City Civil Service Commissions and many other agencies, associations and persons.

No measures have been proposed by the Legislature to date for implementation of any part of the proposed new Judiciary Article. The fact that the Legislature this year caused failure of six years of effort to write a new Civil Practice Act makes it seem foolhardy to expect that within this next year our lawmakers can create three new court systems as well as evolve and adopt at least six new Practice Acts.

The following contrast makes even more glaring the Legislature's conspicuous default in this matter: For revising the Penal Law and the Code of Criminal Procedure, it created a nine-member commission with an appropriation of $150,000 and with instructions to submit its report by March 31, 1963; but, on the other hand, it created a ten-member legislative committee with an appropriation of $50,000 with instructions to prepare the legislation necessary to

implement the entire new Judiciary Article and to submit its report to the Legislature with necessary legislative proposals by January 15, 1962. In other words, the legislative committee which must prepare laws to create successor courts for six abolished courts, rewrite six Practice Acts and revise many consolidated and unconsolidated laws must complete its work within a little more than eight months whereas the commission to revise criminal law and procedure is given two years.

The abolition of existing courts such as General Sessions and the four County Courts in New York City and the transfer of all their personnel and functions to another court--in this case, the Supreme Court--has been done before; for example, the City Court of Brooklyn was abolished and transferred to the Supreme Court by the 1894 Constitution.

However, there is no precedent or experience examples to serve as guides for the tasks provided by the new Judiciary Article following its abolition of both the City and Municipal Courts and of both the Special Sessions and Magistrates' Courts, viz: the creation of respective successor courts to absorb the personnel and functions of each of these courts.

However, novel and unexplored as the problem is, it is mandatory that it be solved and the new courts be ready by September 1, 1962, lest there be no operating courts for the handling of criminal offenses and the enforcement of the criminal law, or for the handling of landlord-tenant proceedings and civil suits for limited sums. The chaos resulting from such a lack immediately after September 1, 1962, as has been shown above, beggars description.

Serious problems were created or not provided for in these legislative decisions which resulted in the creation of commissions or legislative committees to prepare laws to implement the new Judiciary Article, if approved. For example, it is clear that if the handling of felonies must be conducted by the Supreme Court in New York City after September 1, 1962, the revision of the Code of Criminal Procedure must have been completed by that date. However, the law which creates the commission to rewrite the Penal Law and Code of Criminal Procedure gives it until March 31, 1963, to submit its proposed revision of the Code of Criminal Procedure.

This means that while no serious conflict will arise if this commission retains control of revising the Penal Law, the revision of the Code of Criminal Procedure should be vested exclusively in the legislative committees charged with preparing legislation to implement the proposed new Judiciary Article, not only in order to avoid conflict in jurisdiction, but also in order to have ready in time the new Code of Criminal Procedure.

Furthermore, it seems beyond argument that at least as much cost, effort and creative ability will be required to evolve, in each instance, the new family court, or the new consolidated inferior criminal court, or the new consolidated inferior civil court, and new practice acts for each, as will be required to revise the Penal Law and Code of Criminal Procedure.

Hence, it would seem indispensable that the legislative committee be enlarged so that it can have at least four subcommittees: (1) on the general laws such as Judiciary and Domestic Relations; (2) on the proposed family court; (3) on the proposed city-

wide civil court of the City of New York; and (4) on the revision of the Code of Criminal Procedure and on the proposed city-wide court of criminal jurisdiction.

In addition, it would seem necessary that the money provided for each of these subcommittees should be in much greater amount than the total ($50,000) which is provided for the entire work of this legislative committee. Obviously, if all this work must be completed by January 15, 1962, it will require a much larger force and one working much more intensely and intensively.

The following steps, therefore, appear mandatory as the only means of avoiding a hiatus in the existence and operation of some courts immediately after September 1, 1962, as well as hopeless confusion in all courts: (1) the Governor should call a special session of the Legislature to convene in the early part of May, 1961, to consider and adopt laws and resolutions, with ample appropriations, regarding preparation by authorized commissions or committees of implementing legislation for adoption by the 1962 Legislature; (2) participation by some representatives of the Bench and Bar of New York City in making the decisions as to the legislation defining the composition, powers and duties of these legislation-drafting bodies; and (3), above all, assumption of vigorous and effective leadership by the Governor during all stages of the legislative process.

Success in legislating for court reorganization in such a special session of the Legislature will require that the main reason for the legislative default which occurred in the regular session not be repeated this time. It was the failure during the

regular session of any one in either the Executive or Legislature to admit or assume the responsibility of leadership for pushing through this implementing legislation which denied it all chance for serious consideration.

A special session of the Legislature to consider all the steps which must be taken for timely creation of the necessary successor courts will have the value in any event of affording an opportunity to create the sense of urgency needed to cope with a really critical situation.

However, there must be one person who assumes leadership and responsibility for the consummation by a 1961 special session of the Legislature, by any commissions or legislative committees and by the 1962 Legislature, of all laws necessary to have in operation successor courts to all abolished courts by the first of September, 1962.

It seems fair to say that only the Governor of our State can supply this required leadership, and it is earnestly hoped that he will include this task among his chosen goals.

New York, New York
April 17, 1961

Chap 604

S-3493

MEMORANDUM of the Joint Legislative Committee on Court Reorganization to the Honorable Robert MacCrate concerning legislation before the Governor for executive action.

April 16, 1962

APPROVED COURT REORGANIZATION

With the enactment of these twenty-two bills, prepared by the Joint Legislative Committee on Court Reorganization, New York State for the first time has granted the high judicial officers of the State full power to administer the Courts. Court reorganization has become a reality.

The twenty-two bills implement the Constitutional Amendment overwhelmingly approved by the People on November 7, 1961. It gives the Court System the organizational structure and clear specification of powers necessary to bring effective judicial administration into being. It establishes a new statewide Family Court for the State of New York to replace the Domestic Relations Court of the City of New York and the Children's Courts in the other 57 counties. It establishes a New York City Civil Court and a New York City Criminal Court to replace, respectively, the City and Municipal Courts, the Court of Special Sessions and City Magistrates' Courts. It abolishes the Court of General Sessions of New York County and the County Courts of Bronx, Kings, Queens and Richmond and transfers their judges, cases, personnel and facilities to the Supreme Court. It sets for the first time a minimum salary standard for judges of a number of the Courts in the new unified Court System, and provides for the first time a program

of State aid toward the payment by local governments of these judicial salaries.

A major portion of this legislation was presented by the Joint Legislative Committee for public examination in a series of five reports. Thereafter, public hearings were held by the Committee in Albany and in New York City. Throughout its work, the Committee and its staff had numerous meetings with interested groups, including representatives of the Courts, governmental agencies and officers, and social agencies.

The twenty-two bills relate to are considered under the following heads:

1. Judicial Administration
2. Family Court
3. Abolition of Court of General Sessions of New York County and the other County Courts in New York City, and transfer of their judges and facilities to the Supreme Court.
4. New York City Civil Court
5. New York City Criminal Court
6. Judicial Salaries and State Aid
7. ~~Jurisdiction of County Courts~~
8. Retired Supreme Court Justices
9. Training program for Justices of the Peace

I

JUDICIAL ADMINISTRATION

(a) Senate Intro. No. 3493, Print No. 4500.

The Constitutional Amendment places the ultimate power of state-wide court administration in a new body, the Administrative Board of the Judicial Conference, consisting of the Chief Judge of the Court of Appeals and the Presiding Justices of the four Appellate Divisions. The Constitution further provides that the Appellate Divisions shall supervise the administration and operation of the courts in their respective departments and in accordance with the standards and administrative policies established by the new Board.

This bill implements this constitutional pattern. It specifies the strong powers of self-administration given to the courts, including the powers to transfer cases, assign judges, and assign non-judicial personnel from one court to another. It also empowers each of the Appellate Divisions to designate one or more of the sitting judges as an administrative judge or judges to assist it in the task of administration.

The bill also specifies the powers and responsibilities of the Judicial Conference, the Departmental Committees for Court Administration, the State Administrator and Departmental administrators.

With respect to the new Civil and Criminal Courts of the City of New York, which lie within the administrative jurisdiction of two Appellate Divisions, the bill provides that the two Appellate Divisions shall supervise the administration and operation of the courts in their respective departments either separately or jointly. Joint administration may also be directed by the designation of an administrative judge by order of the Administrative Board. Similar provision is made for that part of the Family Court which is within the City of New York.

The new Constitutional Amendment and this implementing legislation becomes effective on September 1, 1962. To facilitate the changeover to the newly created courts and insure an orderly transition the bill expressly provides that the judicial officers charged with administrative responsibility will be given their full and strong powers of administration immediately. The appropriate state and local authorities are also empowered to plan and perform all necessary acts during the transition period.

(b) Senate Intro. No. 3933, Print No. 4722.

This bill amends the preceding bill by clarifying the provision that the standards and policies of the Administrative Board shall be consistent with the Civil Service Law, and by

expressly providing that the Presiding Judge of the Court of Claims shall be its administrative judge. It also amends Section 273 of the Judiciary Law as to the payment of salaries of confidential clerks.

II

FAMILY COURT

(a) Senate Intro. No. 3494, Print 4501.

Effective September 1, 1962, this bill creates a new Family Court of the State of New York to replace the Domestic Relations Court of the City of New York and the Children's Courts in the other 57 counties. The new court has jurisdiction over all aspects of family life, except actions for separation, annulment or divorce that were constitutionally reserved to the Supreme Court. Its jurisdiction is exclusive over neglect, support, paternity, family offense and juvenile delinquency proceedings. It has jurisdiction over conciliation proceedings.

Effective September 1, 1964, the Family Court will have exclusive jurisdiction over adoption proceedings and until then, concurrent jurisdiction with the Surrogate's Courts. The Joint Legislative Committee concluded that the two years transitional period was necessary to enable the new court to organize and be

equipped to deal with the resulting transfer of a heavy case load.

The bill represents a systematic effort to provide a due process of law and to realize the purposes of a new Family Court. It also establishes a program of law guardians - counsel appointed to represent children in delinquency and neglect proceedings. This program should be helpful to the new court and insure basic fair procedure. The Legal Aid Societies will, under contract negotiated by the Appellate Divisions, where practicable supply full-time attorneys. Costs are payable by the State.

To screen out cases not requiring judicial attention, the Family Court Act calls for effective "intake" procedures. This involves the probation service, which is also expected to utilize its special knowledge and skills.

In submitting its proposed Family Court Act, the Joint Legislative Committee noted that the existing sixteen year age limit on the application of the law of juvenile delinquency was continued. The Committee emphasized, however, that the decision does not represent a judgment that the age should not be changed, but rather a conclusion that a judgment about the juvenile delinquency age cannot be properly made without a careful

assessment of the practical workings of the Youthful Offender Act, the Wayward Minor Law and the Penal Law as applied to minors over the age of sixteen. This study is already under way and it is expected that any necessary legislation will be submitted at the 1963 session of the Legislature.

(b) Senate Intro. No. 3728, Print No. 4078.

This bill amends the Family Court Act as a chapter of the Laws of 1962 by providing that the Family Court within the City of New York shall consist of twenty-three judges. Similarly, the number of judges in the Family Court in the other counties is fixed by law. This is a necessary concomitant of the new program, contained in companion bills discussed later in this memorandum, of state aid to local governments towards the payment of judicial salaries.

This bill also fixes the basic salary of Family Court judges in New York City at $21,500 (which, by the provision of a companion bill, may be increased by the local government). The judges of the Family Court in the ~~other~~ counties will receive a basic salary of $20,000 together with such additional compensation as may be provided by local law. This $20,000 salary does not apply to a judge elected or appointed to a predecessor court before September 1, 1962 unless he files a certificate under Section

182-a of the Judiciary Law, consenting not to practice law or to engage in certain other activities.

The bill also provides for the allocation of the cost of operating and maintaining the Family Court, including the costs of law guardians.

(c) Senate Intro. No. 3917, Print No. 4677.

This bill provides for the transfer of facilities of, and cases pending in the Children's Courts, the Domestic Relations Court and Girls' Term Court of the City of New York, these being the courts which are to be abolished on September 1, 1962 and replaced by the Family Court.

(d) Senate Intro. No. 3726, Print No. 4076,
Senate Intro. No. 3918, Print No. 4678,
Senate Intro. No. 3938, Print No. 4745.

These bills make technical amendments to existing law, conforming references to the new Family Court.

III

ABOLITION OF COURT OF GENERAL SESSIONS OF NEW YORK COUNTY AND THE OTHER COUNTY COURTS IN NEW YORK CITY AND TRANSFER OF THEIR JUDGES AND FACILITIES TO THE SUPREME COURT

Senate Intro. No. 3719, Print No. 4069.

This bill implements the new constitutional amendment abolishing the Court of General Sessions in New York County and the County Courts of Bronx, Kings, Queens and Richmond Counties. The bill makes provision for the transfer of their judges, cases, personnel and facilities to the Supreme Court. It accomplishes this and the creation of the new Eleventh Judicial District consisting of the County of Queens, by a series of amendments to the Code of Criminal Procedure, the Judiciary Law and the County Law.

IV

NEW YORK CITY CIVIL COURT

(a) Assembly Intro. No. 4924, Print No. 5218.

The major points of this bill - the New York City Civil Court Act - may be summarized as follows:

1. Effective September 1, 1962, the City Court and the Municipal Court are abolished and replaced by a single court, the Civil Court of the City of New York.

2. The new Court is given jurisdiction of actions and proceedings for the recovery of money where the amount sought does not exceed ten thousand dollars and of replevin actions, where the value of the property does not exceed that amount. It is also given jurisdiction of certain specified classes of actions in equity involving real property, where the property values in suit do not exceed ten thousand dollars. Jurisdiction on counterclaims is extended to include (a) recovery of money only, in an unlimited amount; (b) rescission or reformation of the transaction which is the basis of the plaintiff's cause of action; (c) an accounting between partners if the claim which is the basis of plaintiff's cause of action arises out of the partnership affiliation.

3. The Municipal Court's informal pleading procedures are

made available in the new Court, except in specified classes of actions. Formal pleadings may always be used by a party, and the Court may order them in any case. The mandatory filing requirement of the Municipal Court is retained.

4. All process and mandates of the Court may be served and executed in any part of the State.

5. Venue is laid on a county-wide basis; the district system of the Municipal Court in respect of venue is not continued.

6. Small claims jurisdiction is increased to three hundred dollars.

(b) Assembly Intro. No. 4920, Print No. 5214.

This bill transfers justices of the City and Municipal Courts of the City of New York to the new Civil Court and provides that the court shall consist of ninety-five judges. This bill also fixes the salary of the judges of the new Civil Court at $25,000 per annum. Section 15-a of the new Constitutional Amendment requires the Legislature to establish the districts from which judges of the new Court are to be elected. Exigencies of time did not permit the implementation of this provision at the 1962 session. It is expected that such legislation will be presented at the 1963 session. The bill provides an interim

stop-gap. Vacancies occurring otherwise than by expiration of term will be filled at the general election in November 1962, by vote of the electors of the county or district from which the judge whose term expires was elected or appointed.

(c) Assembly Intro. No. 4926, Print No. 5905.

The bill makes technical amendments, including changes in the several laws which contain references to the City and Municipal Courts, and conforms these to the new Civil Court.

(d) Senate Intro. No. 3960, Print No. 4779.

This bill amends the bill which enacts the new Civil Court Act by expressly making applicable to this new Court the new Judicial Administration article of the Judiciary Law.

V

NEW YORK CITY CRIMINAL COURT

(a) Senate Intro. No. 3716, Print No. 4674.

This bill - the New York City Criminal Court Act - has these major provisions:

1. Effective September 1, 1962, the Court of Special Sessions and the City Magistrates' Courts are abolished and replaced by a single court, the Criminal Court of the City of New York.

2. The Magistrate District system, with its attendant

"territorial jurisdiction" limitations, is abolished.

3. Trial without jury is continued. Trial is by a single judge, with a three-judge panel being available in a separate part of the court, at the option of the defendant, the prosecutor or the court, in misdemeanor cases other than those relating to gambling. The Joint Legislative Committee believes that the three-judge panel should not be abandoned at the present time.

4. Practice and procedure is governed by the provisions of the Code of Criminal Procedure applicable to county courts generally.

The bill fixes the salary of the judges of the Criminal Court at $21,500 but this is amended by Senate Introductory No. 3934, Print 4723 which, as noted below, provides for such additional compensation as the governing body of the City of New York may provide by local law.

(b) Senate Intro. No. 3724, Print No. 4602.

This bill makes technical changes in the several laws containing references to the Court of Special Sessions and the City Magistrates' Courts and conforms these references to the new Criminal Court.

VI

JUDICIAL SALARIES AND STATE AID

(a) Senate Intro. No. 3948, Print No. 4750.

This bill enacts a new program of state aid toward the payment of judicial salaries by local governments and fixes the salaries of judges of the County, Surrogate's and Family Courts outside the City of New York at a minimum of $20,000 per annum, together with such additional compensation as the counties may provide by local law. Another bill, Senate Intro. No. 3934, Print No. 4723, discussed below, fixes the salaries of the judges of the Family Court within the City of New York and New York City's new Criminal Court at $21,500 together with such additional compensation as the City's governing body may determine. The compensation of the judges of New York City's new Civil Court is fixed at $25,000 by another bill above noted (Assembly Intro. No. 4920, Print No. 5214).

The new state aid program has to do with the salaries of the judges referred to. The program of state aid is related to the population of the county. This table gives in summary the annual state aid payments to be made, effective January 1, 1963:

Population	State Aid
Less than 40,000	$10,000
40,000 to 100,000	$20,000
100,000 to 300,000	$30,000
300,000 and over, and New York City	$10,000 for each judge of the several courts above described

(b) Senate Intro. No. 3934, Print No. 4723.

This bill fixes the salaries of the judges of the Family Court within the City of New York and New York City's new Criminal Court, as has just been noted. It also amends the new Family Court Act provisions, with particular regard to the placement of minors.

(c)

(d) Senate Intro. No. 3947, Print No. 4765, Senate Intro. No. 3949, Print No. 4764.

These bills, as part of the judicial salaries - state aid program, provide for the necessary, concomitant limitation of the number of judges of the Surrogate's and Family Courts in counties outside the City of New York. The first mentioned bill also provides that, except where a separate surrogate has been or shall be elected, the county judge shall serve as judge of the Surrogate's Court.

VII

JURISDICTION OF COUNTY COURTS

Senate Intro. No. 3641, Print No. 4762.

This bill implements Section 11-a of the new Constitutional Amendment which empowers the Legislature, at the request of a county's governing body, to increase the present $6,000 jurisdictional limitation of the County Courts to an amount up to $10,000. This bill gives the maximum jurisdiction to the County Courts in the twenty-two counties which made such request.

Counter claims see p. 17

VIII

RETIRED SUPREME COURT JUSTICES

Senate Intro. No. 3721, Print No. 4071.

This bill implements the provisions of the new Constitutional Amendment abolishing official referees and providing instead that certain retired judges and justices may be certified to perform the duties of a justice of the Supreme Court. A fuller employment of the capacities of a retired justice than is permitted by the more restricted powers of a referee is thus made possible. The bill provides that such retired justices shall receive the same salary as a supreme court justice of the district in which he resides.

Official referees are continued as such for the remainder

of their terms. They are permitted by this bill to terminate their term as official referee by filing a certificate consenting to serve as a retired justice.

The bill also provides that all of the non-judicial personnel of the Appellate Division, First Department, including its clerk, be integrated in a single budget.

Under the provisions of Subdivision c of Section 11 of the new constitutional amendment, the County Court is given unlimited jurisdiction of counterclaims for the recovery of money only. At the same time, the bill deletes from Subdivision 3 of Section 67 of the Civil Practice Act the requirement that counterclaims in excess of the county court's jurisdiction may be transferred to the supreme court.

Subdivision i of Section 22 of the new Constitutional Amendment provides for the removal of judges of the inferior courts in the City of New York and the town, village and city courts outside the City of New York by the Appellate Division in a manner provided by law. This bill amends Section 132 of the Code of Criminal Procedure to conform the provisions dealing with the removal of inferior court judges by the Appellate Division to the new constitutional language.

IX

TRAINING PROGRAM FOR JUSTICES OF THE PEACE

Assembly Intro. No. 4921, Print No. 5215.

This bill provides the necessary implementation of Section 20-c of the new Constitutional Amendment which provides that the Legislature shall require a course of training and education to be completed by such justices. Voluntary courses have been successfully completed by hundreds of such justices in recent years and, under the supervision of the new Administrative Board, the prescribed training program will enhance the stature of the courts and justices in their important work as part of the new unified state-wide court system.

* * * * *

Senate Intro. No. 3920, Print No. 4630.

This is a twenty-third bill, which would amend the New York City Criminal Court Act and that part of the Family Court Act which fixes the salaries of the judges of the Family Court within the City of New York, by increasing to $25,000 per annum the salaries of the judges of these Courts. The Joint Legislative Committee recommends that this bill should receive

Executive approval only if the Mayor of the City of New York indicates his approval of the bill.

The Joint Legislative Committee on Court Reorganization recommends that all of the foregoing bills - except the twenty-third bill, Senate Intro. No. 3920, as to which the Committee has noted that its recommendation is conditional - should receive Executive approval.

Respectfully submitted,

JOINT LEGISLATIVE COMMITTEE ON COURT REORGANIZATION

Daniel G. Albert, Chairman

April 16, 1962

Supreme and Surrogate's Court Attaches Association
60 Centre Street
New York 7, N. Y.
WORTH 2-6500

S 3493

March 7, 1962

Governor Nelson A. Rockefeller
Executive Chamber
Albany 1, New York

Ack. Acknowledged by WJR
3/12/62

Honorable Sir:

On February 16, 1962, I spoke at a hearing of the Joint Legislative Committee on Court Reorganization asking for legislation which would give court employees the protection of grievance procedures and representation on the Departmental Committees for Court Administration. The requests I made are outlined in the enclosed memorandum which refers to the sections of the first draft bill prepared by the Committee.

To our members, these are the most vital reforms which the legislature could enact. The attached Executive Order issued by President Kennedy, shows that the same benefits are now offered to the members of the Federal Civil Service.

Would you please review our request and offer the language suggested in our memorandum as amendments to the present bill to give us these reforms which are so important to us?

Respectfully,

M. L. Rein

M. L. Rein, Pres.

Enc.: Memo
Exec. Order

MEMORANDUM

On Behalf of

THE SUPREME AND SURROGATE'S COURT ATTACHES ASSOCIATION

New York, N. Y.
February 16, 1962.

A separate memorandum devoted exclusively to our suggestions for the proposed new Section 221 of the Judiciary Law has already been submitted.

This memorandum relates solely to our suggestions for the proposed draft sections 212, 226, and 227 of Article 7A and section 4 of the Judiciary Law.

These suggestions are concerned with employee relations, and with the recognition of employee organizations. Although neither subject appears in the proposed legislation, we believe these matters should be provided for in accordance with the following proposals.

I. THE ADMINISTRATIVE BOARD SHOULD BE DIRECTED TO ADOPT GRIEVANCE PROCEDURES.

Section 212. Functions of the Administrative Board.

PROPOSED CHANGE

9. The administrative board shall adopt grievance procedures by which an employee or former employee may seek timely administrative reconsideration of an adverse decision.

We who are most intimately affected in our lives and our careers by the coming court reorganization, have only the expensive remedy of an Article 78 proceeding if we feel that the operation of the new personnel practices is adverse to us. The lack of grievance procedures to contest personnel practices and rulings adopted by the Administrative Board means that, in the event we appeal an Article 78 proceeding, our appeal will be heard by a court presided over by a justice who is also a member of the same Administrative Board that set the standard. (The presiding justices of each department and the Chief Judge of the Court of Appeals are the Administrative Board.)

We assume that the presiding justice would disqualify himself in such an appeal; but even so, we would be asking his colleagues to declare that his standards were "arbitrary and capricious".

Because this is a time of major changes in the administrative procedures of the courts, we believe it is the right moment for the legislature to direct the administrative board to modernize its relations with the personnel by adopting plans similar to those adopted in most other departments of the government, and in industry.

We ask for the adoption of plans similar to those directed for the federal government departments, or for the non-judicial employees of the courts of the City of New York. Such plans, or any other reasonable plans to provide grievance machinery for the non-judicial employees of the state courts is a reform long overdue.

We urge that "clause 9" as set forth above, be added to Section 212 to direct the administrative board to establish appropriate grievance procedures.

II. THE ADMINISTRATIVE BOARD SHALL PROVIDE FOR RECOGNITION OF NON-JUDICIAL EMPLOYEE ORGANIZATIONS.

PROPOSED CHANGE

10. The administrative board shall provide for recognition of non-judicial employee organizations.

"The efficient administration of the Government and the well-being of the employees require that orderly and constructive relationships be maintained between employee organizations and management officials."
(Executive Order, #10988, January 17, 1962. Pres. Kennedy)

Employee organizations have a beneficial function in relations with management and administration so well recognized that it should not be necessary to argue the question here.

The court reorganization creates at least two new personnel problems which employee organizations of the court personnel can help solve. First, the new budget procedures deprive the employees of direct contact with the persons who have the "final determination" of their salaries. Second, the employees no longer have direct contact with the persons who fix personnel practices. Recognized employee organizations would maintain liaison in both instances.

III. THE COURT PERSONNEL'S CONTRIBUTION TO THE WORK OF THE JUDICIAL CONFERENCE SHOULD BE RECOGNIZED

Section 226. Powers and Duties of the Conference.

2. (at line 4) To this end the conference shall consider the suggestions and advice submitted by judges, non-judicial personnel, lawyers, educators and others qualified to assist in the improvement of the administration of justice.

PROPOSED CHANGE

The following quotations from the reports of the Departmental committees are part of the 1961 Sixth Annual Report of the Judicial Conference. They show clearly the Committees' esteem for the help given by the non-judicial personnel of the courts in the Committees' work.

"We record our grateful appreciation of the encouraging aid and generous assistance accorded by the many judges and other court personnel..."
(Report of the Departmental Committee, 2nd Department, 1961 Sixth Annual Report of the Judicial Conference, page 43.)

"It is again the pleasure of the Departmental Committee and the Deputy Administrator to thank the justices, clerks and members of the bar for their continued cooperation."
(Report of the Departmental Committee, 3rd Dep't., p. 46 supra)

"Without the cooperation of the justices, court clerks, their staffs, and members of the bar, this work could not and would not be accomplished - for this cooperation we are deeply grateful."
(Report of the Departmental Committee, 4th Dep't., p. 46, supra

We ask that the non-judicial personnel be mentioned by name as set forth in the above proposal.

IV. NON-JUDICIAL PERSONNEL, AS WELL AS MEMBERS OF THE BAR, SHOULD BE APPOINTED TO THE DEPARTMENTAL COMMITTEES.

Section 227. Departmental Committees for Court Administration: Composition; Meetings; Expenses.

PROPOSED CHANGES

1. (i) In the second, third and fourth departments not less than one member of the bar from each judicial district, and not less than one member of the non-judicial personnel from each judicial district.

(j) In the first department, not less than three members of the bar, and not less than three members of the non-judicial personnel.

3. The members of the bar, provided for in paragraphs (i) and (j) shall be chosen by the justices of the appellate division in each department or a majority of them. : the members of the non-judicial personnel provided for in paragraphs (i) and (j), shall be chosen by a majority of the non-judicial personnel in the district (i) or in the department (j) respectively.

The Departmental Committee is the first link in the administrative chain created by the new Article 7A. Its duties are to examine the work of the courts and to make suggestions to the appropriate authorities for the improvement of the administration of justice.

Non-judicial employee members would be invaluable to the Committee in several ways:

1. Due to their experience and training, many of the non-judicial employees have become specialists in the adjective law, competent to criticise procedures and to make suggestions for improvement, at the level of these Committees. We refer again to the reports of the Departmental Committees of the 2nd, 3rd, and 4th Departments, as set forth on page 5 herein, in which appreciation is expressed for the help of the court clerks.

2. They would provide a practical point of view with regard to the operation of the courts and to its personnel procedures.

3. They would improve personnel relations inasmuch as the employees would feel they had representation at the administrative level.

"Participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business."
(Executive Order, #10988, January 17, 1962, Pres. Kennedy.)

Essential to this proposal is the provision that the non-judicial employee members must be chosen by the employees. Employee members chosen by management for such functions are always resented by the personnel; and a sampling of opinion of the non-judicial personnel in our courts shows that they most vehemently oppose any plan for personnel representation unless the employee members are freely elected by the employees.

If, (as proposed in Point II, page 4, herein) provision is made for recognition of non-judicial employee organizations by the administrative board, then the mechanics of choosing employee representatives can be greatly simplified by adopting the practice of the City of New York in its dealings with the personnel of the Municipal and Magistrates Courts. Until such provisions are adopted, procedures similar to those used by the New York City teachers in choosing Teacher-Members of the Teachers' Retirement Board, may be used.

The placing of employee representatives in the administrative structure, in accordance with modern practice, would be a reform equal to any other offered by this legislation. We urge that our proposal to appoint non-judicial employees to the Departmental Committees for Court Administration be adopted.

VI. THE PRELIMINARY POWERS GRANTED TO PREPARE FOR UNIFICATION SHOULD CONFORM TO THE CHANGES PROPOSED FOR SECTION 221.

Section 4. Preliminary Powers of the Administrative Board and the Appellate Divisions.

PROPOSED CHANGES

Subd. 3 (c) in cooperation with the appropriate civil service commissions and appellate divisions, make provision for the transfer to comparable positions in the unified court system to the extent practicable of the non-judicial personnel of the courts affected by article six of the constitution as amended, for the purpose of insuring their continued employment without diminution in salary and with the same status and rights, and to utilize, to the extent practicable, their skills, training, and experience.

Preliminary discussion with one of the assistants to Hon. Arthur H. Goldberg, Counsel, indicates that the draft of Section 221 will be changed. Unless the changes referred to fall short of our expectations, it will be unnecessary to produce support for our proposals for section 4, above. Should it become necessary to make such a presentation, we reserve the right to do so.

Respectfully submitted,

Supreme and Surrogate's Court Attaches Association.

By M. L. Rein

New York, N. Y.
February 16, 1962.

IMMEDIATE RELEASE January 17, 1962

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

- - - - -

Please see
P2 — §3a
P6 — §10
P7 — §12
P8 — §14

EMPLOYEE-MANAGEMENT COOPERATION IN THE FEDERAL SERVICE

WHEREAS participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business; and

WHEREAS the efficient administration of the Government and the well-being of employees require that orderly and constructive relationships be maintained between employee organizations and management officials; and

WHEREAS subject to law and the paramount requirements of the public service, employee-management relations within the Federal service should be improved by providing employees an opportunity for greater participation in the formulation and implementation of policies and procedures affecting the conditions of their employment; and

WHEREAS effective employee-management cooperation in the public service requires a clear statement of the respective rights and obligations of employee organizations and agency management:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by section 1753 of the Revised Statutes (5 U. S. C. 631), and as President of the United States, I hereby direct that the following policies shall govern officers and agencies of the executive branch of the Government in all dealings with Federal employees and organizations representing such employees.

Section 1. (a) Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity. Except as hereinafter expressly provided, the freedom of such employees to assist any employee organization shall be recognized as extending to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its

views to officials of the executive branch, the Congress or other appropriate authority. The head of each executive department and agency (hereinafter referred to as "agency") shall take such action, consistent with law, as may be required in order to assure that employees in the agency are apprised of the rights described in this section, and that no interference, restraint, coercion or discrimination is practiced within such agency to encourage or discourage membership in any employee organization.

(b) The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any such organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

Section 2. When used in this order, the term "employee organization" means any lawful association, labor organization, federation, council, or brotherhood having as a primary purpose the improvement of working conditions among Federal employees, or any craft, trade or industrial union whose membership includes both Federal employees and employees of private organizations; but such term shall not include any organization (1) which asserts the right to strike against the Government of the United States or any agency thereof, or to assist or participate in any such strike, or which imposes a duty or obligation to conduct, assist or participate in any such strike, or (2) which advocates the overthrow of the constitutional form of Government in the United States, or (3) which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin.

Section 3. (a) Agencies shall accord informal, formal or exclusive recognition to employee organizations which requests such recognition in conformity with the requirements specified in sections 4, 5 and 6 of this order, except that no recognition shall be accorded to any employee organization which the head of the agency considers to be so subject to corrupt influences or influences opposed to basic democratic principles that recognition would be inconsistent with the objectives of this order.

(b) Recognition of an employee organization shall continue so long as such organization satisfies the criteria of this order applicable to such recognition; but nothing in this section shall require any agency to determine whether an organization should become or continue to be recognized as exclusive representative of the employees in any unit within 12 months after a prior determination of exclusive status with respect to such unit has been made pursuant to the provisions of this order.

(c) Recognition, in whatever form accorded, shall not --

(1) preclude any employee, regardless of employee organization membership, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable law, rule, regulation, or established agency policy, or from choosing his own representative in a grievance or appellate action; or

(2) preclude or restrict consultations and dealings between an agency and any veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with any religious, social, fraternal or other lawful association, not qualified as an employee organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members, when such consultations or dealings are duly limited so as not to assume the character of formal consultation on matters of general employee-management policy or to extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.

Section 4. (a) An agency shall accord an employee organization, which does not qualify for exclusive or formal recognition, informal recognition as representative of its member employees without regard to whether any other employee organization has been accorded formal or exclusive recognition as representative of some or all employees in any unit.

(b) When an employee organization has been informally recognized, it shall, to the extent consistent with the efficient and orderly conduct of the public business, be permitted to present to appropriate officials its views on matters of concern to its members. The agency need not, however, consult with an employee organization so recognized in the formulation of personnel or other policies with respect to such matters.

Section 5. (a) An agency shall accord an employee organization formal recognition as the representative of its members in a unit as defined by the agency when (1) no other employee organization is qualified for exclusive recognition as representative of employees in the unit, (2) it is determined by the agency that the employee organization has a substantial and stable membership of no less than 10 per centum of the employees in the unit, and (3) the employee organization has submitted to the agency a roster of its officers and representatives, a copy of its constitution and by-laws, and a statement of objectives. When, in the opinion of the head of an agency, an employee organization has a sufficient number of local organizations or a sufficient total membership

within such agency, such organization may be accorded formal recognition at the national level, but such recognition shall not preclude the agency from dealing at the national level with any other employee organization on matters affecting its members.

(b) When an employee organization has been formally recognized, the agency, through appropriate officials, shall consult with such organization from time to time in the formulation and implementation of personnel policies and practices, and matters affecting working conditions that are of concern to its members. Any such organization shall be entitled from time to time to raise such matters for discussion with appropriate officials and at all times to present its views thereon in writing. In no case, however, shall an agency be required to consult with an employee organization which has been formally recognized with respect to any matter which, if the employee organization were one entitled to exclusive recognition, would not be included within the obligation to meet and confer, as described in section 6(b) of this order.

Section 6. (a) An agency shall recognize an employee organization as the exclusive representative of the employees in an appropriate unit when such organization is eligible for formal recognition pursuant to section 5 of this order, and has been designated or selected by a majority of the employees of such unit as the representative of such employees in such unit. Units may be established on any plant or installation, craft, functional or other basis which will ensure a clear and identifiable community of interest among the employees concerned, but no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized. Except where otherwise required by established practice, prior agreement, or special circumstances, no unit shall be established for purposes of exclusive recognition which includes (1) any managerial executive, (2) any employee engaged in Federal personnel work in other than a purely clerical capacity, (3) both supervisors who officially evaluate the performance of employees and the employees whom they supervise, or (4) both professional employees and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit.

(b) When an employee organization has been recognized as the exclusive representative of employees of an appropriate unit it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. Such employee organization shall be given the opportunity to be represented at discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the unit. The agency and such employee organization, through appropriate officials and representatives, shall meet at reasonable times and confer with respect to personnel policy and practices and matters

affecting working conditions, so far as may be appropriate subject to law and policy requirements. This extends to the negotiation of an agreement, or any question arising thereunder, the determination of appropriate techniques, consistent with the terms and purposes of this order, to assist in such negotiation, and the execution of a written memorandum of agreement or understanding incorporating any agreement reached by the parties. In exercising authority to make rules and regulations relating to personnel policies and practices and working conditions, agencies shall have due regard for the obligation imposed by this section, but such obligation shall not be construed to extend to such areas of discretion and policy as the mission of an agency, its budget, its organization and the assignment of its personnel, or the technology of performing its work.

Section 7. Any basic or initial agreement entered into with an employee organization as the exclusive representative of employees in a unit must be approved by the head of the agency or any official designated by him. All agreements with such employee organizations shall also be subject to the following requirements, which shall be expressly stated in the initial or basic agreement and shall be applicable to all supplemental, implementing, subsidiary or informal agreements between the agency and the organization:

(1) In the administration of all matters covered by the agreement officials and employees are governed by the provisions of any existing or future laws and regulations, including policies set forth in the Federal Personnel Manual and agency regulations, which may be applicable, and the agreement shall at all times be applied subject to such laws, regulations and policies;

(2) Management officials of the agency retain the right, in accordance with applicable laws and regulations, (a) to direct employees of the agency, (b) to hire, promote, transfer, assign, and retain employees in positions within the agency, and to suspend, demote, discharge, or take other disciplinary action against employees, (c) to relieve employees from duties because of lack of work or for other legitimate reasons, (d) to maintain the efficiency of the Government operations entrusted to them, (e) to determine the methods, means and personnel by which such operations are to be conducted; and (f) to take whatever actions may be necessary to carry out the mission of the agency in situations of emergency.

Section 8. (a) Agreements entered into or negotiated in accordance with this order with an employee organization which is the exclusive representative of employees in an appropriate unit may contain provisions, applicable only to employees in the unit, concerning procedures for consideration of grievances. Such procedures (1) shall conform to standards issued by the Civil Service Commission, and (2) may not in any manner diminish or impair any rights which would otherwise be available to any employee in the absence of an agreement providing for such procedures.

(b) Procedures established by an agreement which are otherwise in conformity with this section may include provisions for the arbitration of grievances. Such arbitration (1) shall be advisory in nature with any decisions or recommendations subject to the approval of the agency head; (2) shall extend only to the interpretation or application of agreements or agency policy and not to changes in or proposed changes in agreements or agency policy; and (3) shall be invoked only with the approval of the individual employee or employees concerned.

Section 9. Solicitation of memberships, dues, or other internal employee organization business shall be conducted during the non-duty hours of the employees concerned. Officially requested or approved consultations and meetings between management officials and representatives of recognized employee organizations shall, whenever practicable, be conducted on official time, but any agency may require that negotiations with an employee organization which has been accorded exclusive recognition be conducted during the non-duty hours of the employee organization representatives involved in such negotiations.

Section 10. No later than July 1, 1962, the head of each agency shall issue appropriate policies, rules and regulations for the implementation of this order, including: A clear statement of the rights of its employees under the order; policies and procedures with respect to recognition of employee organizations; procedures for determining appropriate employee units; policies and practices regarding consultation with representatives of employee organizations, other organizations and individual employees; and policies with respect to the use of agency facilities by employee organizations. Insofar as may be practicable and appropriate, agencies shall consult with representatives of employee organizations in the formulation of these policies, rules and regulations.

Section 11. Each agency shall be responsible for determining in accordance with this order whether a unit is appropriate for purposes of exclusive recognition and, by an election or other appropriate means, whether an employee organization represents a majority of the employees in such a unit so as to be entitled to such recognition. Upon the request of any agency, or of any employee organization which is seeking exclusive recognition and which qualifies for or has been accorded formal recognition, the Secretary of Labor, subject to such necessary rules as he may prescribe, shall nominate from the National Panel of Arbitrators maintained by the Federal Mediation and Conciliation Service one or more qualified aribitrators who will be available for employment by the agency concerned for either or both of the following purposes, as may be required: (1) to investigate the facts and issue an advisory decision as to the appropriateness of a unit for purposes of exclusive recognition and as to related issues submitted for consideration; (2) to conduct or supervise an election or

otherwise determine by such means as may be appropriate, and on an advisory basis, whether an employee organization represents the majority of the employees in a unit. Consonant with law, the Secretary of Labor shall render such assistance as may be appropriate in connection with advisory decisions or determinations under this section, but the necessary costs of such assistance shall be paid by the agency to which it relates. In the event questions as to the appropriateness of a unit or the majority status of an employee organization shall arise in the Department of Labor, the duties described in this section which would otherwise be the responsibility of the Secretary of Labor shall be performed by the Civil Service Commission.

Section 12. The Civil Service Commission shall establish and maintain a program to assist in carrying out the objectives of this order. The Commission shall develop a program for the guidance of agencies in employee-management relations in the Federal service; provide technical advice to the agencies on employee-management programs; assist in the development of programs for training agency personnel in the principles and procedures of consultation, negotiation and the settlement of disputes in the Federal service, and for the training of management officials in the discharge of their employee-management relations responsibilities in the public interest; provide for continuous study and review of the Federal employee-management relations program and, from time to time, make recommendations to the President for its improvement.

Section 13. (a) The Civil Service Commission and the Department of Labor shall jointly prepare (1) proposed standards of conduct for employee organizations and (2) a proposed code of fair labor practices in employee-management relations in the Federal service appropriate to assist in securing the uniform and effective implementation of the policies, rights and responsibilities described in this order.

(b) There is hereby established the President's Temporary Committee on the Implementation of the Federal Employee-Management Relations Program. The Committee shall consist of the Secretary of Labor, who shall be chairman of the Committee, the Secretary of Defense, the Postmaster General, and the Chairman of the Civil Service Commission. In addition to such other matters relating to the implementation of this order as may be referred to it by the President, the Committee shall advise the President with respect to any problems arising out of completion of agreements pursuant to sections 6 and 7, and shall receive the proposed standards of conduct for employee organizations and proposed code of fair labor practices in the Federal service, as described in this section, and report thereon to the President with such recommendations or amendments as it may deem appropriate. Consonant with law, the departments and agencies represented on the Committee shall, as may be necessary for the effectuation of this section, furnish assistance to the Committee in

accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Unless otherwise directed by the President, the Committee shall cease to exist 30 days after the date on which it submits its report to the President pursuant to this section.

Section 14. The head of each agency, in accordance with the provisions of this order and regulations prescribed by the Civil Service Commission, shall extend to all employees in the competitive civil service rights identical in adverse action cases to those provided preference eligibles under section 14 of the Veterans' Preference Act of 1944, as amended. Each employee in the competitive service shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be processed in an identical manner to that provided for appeals under section 14 of the Veterans' Preference Act. Any recommendation by the Civil Service Commission submitted to the head of an agency on the basis of an appeal by an employee in the competitive service shall be complied with by the head of the agency. This section shall become effective as to all adverse actions commenced by issuance of a notification of proposed action on or after July 1, 1962.

Section 15. Nothing in this order shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any agency and any representative of its employees. Nor shall this order preclude any agency from continuing to consult or deal with any representative of its employees or other organization prior to the time that the status and representation rights of such representative or organization are determined in conformity with this order.

Section 16. This order (except section 14) shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, or any other agency, or to any office, bureau or entity within an agency, primarily performing intelligence, investigative, or security functions if the head of the agency determines that the provisions of this order cannot be applied in a manner consistent with national security requirements and considerations. When he deems it necessary in the national interest, and subject to such conditions as he may prescribe, the head of any agency may suspend any provision of this order (except section 14) with respect to any agency installation or activity which is located outside of the United States.

JOHN F. KENNEDY

THE WHITE HOUSE,

January 17, 1962.

IMMEDIATE RELEASE JANUARY 17, 1962

Office of the White House Press Secretary

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THE WHITE HOUSE

EXECUTIVE ORDER

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AGENCY SYSTEMS FOR APPEALS FROM ADVERSE ACTIONS

WHEREAS the public interest requires the maintenance of high standards of employee performance and integrity in the public service, prompt administrative action where such standards are not met, and safeguards to protect employees against arbitrary or unjust adverse actions; and

WHEREAS the prompt reconsideration of protested administrative decisions to take adverse actions against employees will promote the efficiency of the service, assist in maintaining a high level of employee morale, further the objective of improving employee-management relations, and insure timely correction of improper adverse actions;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States, by Section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, et seq.), and as President of the United States, it is hereby ordered as follows:

Section 1. The head of each department and agency, in accord with the provisions of this order and regulations issued thereunder by the Civil Service Commission, and to the extent specified in such regulations, shall establish within the department or agency a system for the reconsideration of administrative decisions to take adverse action against employees. Information on the system shall be brought to the attention of all employees. Within the principles established by this order and subject to the broad guidelines contained in the regulations, each department and agency is authorized to develop such agency appeals procedures as may be appropriate to its own organizational requirements.

Section 2. (a) The Civil Service Commission shall, not later than April 1, 1962, issue regulations to put this order into effect and shall make a continuing review of the manner in which this order is being implemented by the departments and agencies.

-4-

(b) Nothing in this order shall be deemed to enlarge or restrict the authority of the Civil Service Commission to adjudicate appeals submitted in accordance with Chapter 1 of Title 5 of the Code of Federal Regulations.

Section 3. The Civil Service Commission in issuing regulations and the departments and agencies in developing an appeals system shall be guided by the following principles:

(1) The appeals system shall be a simple, orderly method through which an employee or former employee may seek timely administrative reconsideration of a decision to take adverse action against him.

(2) Employees and representatives of employee organizations shall have an opportunity to express their views as to the formulation and operation of the appeals procedures.

(3) An appeal shall be in writing and indicate clearly the corrective action sought and the reasons therefor.

(4) The system shall provide ordinarily for one level of appeal, except that it may include further administrative review when the delegations of authority or organizational arrangements of the agency so require.

(5) An employee who has not previously had an opportunity for a hearing in connection with the agency decision to take adverse action shall, on his request, be granted one hearing, except when the holding of a hearing is impracticable by reason of unusual location or other extraordinary circumstance.

(6) The employee shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his appeal.

(7) The employee shall have the right to be accompanied, represented, and advised by a representative of his own choosing in presenting his appeal.

(8) The employee shall be assured of a reasonable amount of official time to present his appeal.

(9) An appeal shall be resolved expeditiously. To this end, both the employee and the department or agency shall proceed with an appeal without undue delay.

Section 4. The head of each department and agency is authorized to include provision for advisory arbitration, where appropriate, in the agency appeals system.

Section 5. (a) This order shall not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, and the Tennessee Valley Authority.

(b) The Civil Service Commission, on the recommendation of the heads of the agencies concerned, may exclude classes of employees the nature of whose work makes the application of the provisions of this order inappropriate.

Section 6. This order shall become effective as to all adverse actions commended by issuance of a notification of proposed action on or after July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,

January 17, 1962.

# # # # # #

FORM B-201 (9/61) **BUDGET REPORT ON BILLS** **Session Year:** 1962

30-Day Bill

SENATE S 3493 **Introduced by:** **ASSEMBLY**

Pr: 4500 Mr. Albert **Pr:**

Int: 3493 **Int:**

Law: Judiciary **Sections:** Article 7-a (repealed and new)

Subject and Purpose: To amend the judiciary law, in relation to the administrative supervision of the unified court system of the State of New York.

Division of the Budget recommendation on the above bill:

Approve: X **Veto:** _____ **No Objection:** _____ **No Recommendation:** _____

1. Purpose of bill: See above.

2. Summary of provisions of bill: This bill repeals Article 7-a of the judiciary law and adds a new Article 7-a concerning the administrative supervision of the proposed unified court system. The new article provides for an administrative board and state administrator in the judicial conference and their functions, powers and duties. It also specifies the administrative powers and duties of the appellate divisions. It further provides for a departmental committee for court administration in each appellate department which will have a departmental director of administration. This director, along with any staff that he may hire, will be included in the budget of the administrative board. Lastly, it generally provides for all administrative procedures to be followed by the various committees and agencies.

3. Prior legislative history: None.

4. Arguments in support of bill: Section 28 of Article VI of the State Constitution provides that the authority and responsibility for the administrative supervision of the unified court system shall be vested in the administrative board of the judicial conference. This bill, therefore, implements Article VI of the Constitution which was approved by the people in November 1961.

5. - 7. No comment.

8. Budgetary implications: The sum of $61,200 has been provided the Judicial Conference's supplemental appropriation to provide additional staff to implement this program. If set up the above-mentioned departmental directors will have to be paid from a $500,000 supplemental appropriation for the implementation of the unified court system.

NOTE: Repeal of subdivision 3, of Section 223 of this bill concerning the appointment, promotion and continuance of employment of officers and employees of the unified court system is proposed by Senate Intro. 3933, Print 4772.

Date: April 16, 1962 **Examiner:** Louis R. Tenenini

Disposition: **Chapter No:** **Veto Date:**

jpl

Bill Jacket
S 3493

S 3493

COMMITTEE FOR MODERN COURTS, INC.

127 East 69th Street, New York 21, New York, UNiversity 1-0850

AMENDMENT NUMBER ONE

April 12, 1962

Hon. Robert MacCrate
Executive Chamber
State Capitol
Albany 1, New York

Dear Mr. MacCrate:

Since the Committee for Modern Courts is concerned mainly with the broad aspects of court modernization, we do not wish to make detailed comments on each of the bills which you have sent us to review and which are listed on the attached pages.

It is our general belief that all of the bills passed at the request, or recommendation, of the Joint Legislative Committee on Court Reorganization must be approved by the Governor in order to put the unified court system in effect in September of this year.

It is only fair to say that most of the bills have defects which must be remedied in the future. Our committee has taken a strong position on these issues. The provisions for administrative control of the New York City courts should mandate single administration without division into departments; the jurisdictional age of the Family Court should be increased; and all adoptions should be handled by the Family Court. Further, we believe that the New York City Civil Court Act falls short of what many expected in this connection. We hope you will be guided by the recommendations of the Association of the Bar of the City of New York.

In our statement to the Albert Committee we recommended merging of the New York City Civil and Criminal Courts. To this end we recommend that the judges of both courts receive the same salaries. We do not wish to comment on the amounts of either judicial salaries or the salaries of other judicial employees, which are covered by Senate Print 4376 - Intro 3800.

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ORGANIZATIONS SUPPORTING COURT MODERNIZATION

Broadway Association, Inc.
Brooklyn Chamber of Commerce
Buffalo Chamber of Commerce
Business & Professional Women's Club of New York State
Chamber of Commerce of the Rockaways
Citizens Union of N. Y.
Committee on Public Affairs of The Community Service Society
Community Church of New York
Coney Island Chamber of Commerce
Correctional Association of New York
Elmira Assoc. of Commerce
Family Location Service
Forty-Second St. Mid-Manhattan Association
Home Advisory & Service Council of New York
Jamaica Chamber of Commerce
Lawyers Committee to Support Court Reorganization
The League of Women Voters of N. Y. State
Mt. Vernon Chamber of Commerce
National Association of Social Workers
Newark N.Y. Chamber of Commerce
New York Chamber of Commerce
New York Institute of Criminology
New York State Federation of Women's Clubs
New York Young Republican Club
Niagara Falls Chamber of Commerce
Northern Westchester Bar Assoc.
Olean Chamber of Commerce
Retail Dry Goods Association
State Charities Aid Association
Syracuse Chamber of Commerce
Twenty-Third St. Association
West Side Assoc. of Commerce
Women's City Club of N. Y.

We would recommend approval of the revision of the Civil Practice Act, Senate Print 26 - Intro 26, although it falls short of what we had hoped for and should be re-studied, particularly the provisions concerning rule-making, which should be vested in the judiciary.

We would recommend that the Governor approve Senate Print 4779 - Intro 3960, which conforms the administrative provisions of the New York Civil Court with those of Section 217 of the Administrative Bill.

We definitely recommend approval of Senate Print 4750 - Intro 3948, which provides in effect for the state aid for Judges' salaries as a step toward a state-wide judicial budget.

We also recommend approval of Senate Print 3989, 4704, 4762 - Intro 3641, which increases the jurisdictional amount of the County Court.

Lastly, we believe that the Governor should direct the attention of the Albert Committee to study action concerning the following:

1. Mandating single administration of city-wide courts.
2. Raising the age jurisdiction of the Family Court.
3. Eliminate the Surrogates' jurisdiction of adoption.
4. Merger of the New York City Civil and Criminal Courts.
5. Study of probation and auxiliary services.
6. Preparation of a state-wide district court act.
7. Study ways to encourage replacement of local Justice of the Peace Courts with District Courts.
8. Study eventual merger of Surrogates Courts in the County Court upstate and Supreme Court in New York City.
9. Study of existing procedures for selection of Judges.
10. Study of laws affecting marital status and jurisdiction of Family Court.
11. Study administration of court system under Administrative Board with emphasis upon further centralization of authority in Administrative Board both as to administrative and budgetary matters.

12. Study standardization of court acts.

The Committee expects to follow the establishment of the unified court system with great interest during the ensuing year.

Sincerely,

Duncan Elder

Duncan Elder, Chairman
Executive Committee

Encl

JUDICIAL ADMINISTRATION

Senate. Print 3788, 4500 - Intro 3493. Administrative Supervision.

Senate. Print 4722 - Intro 3933. Amends Administrative Supervision Bill (Print 3788, 4500 - Intro 3493)

Senate. Print 4749, 4765 - Intro 3947. Permits County Judges to serve as Surrogates.

Assembly. Print 5215 - Intro 4921. Training of Justices of the Peace.

Senate. Print 3989, 4704, 4762 - Intro 3641. Raises jurisdictional amount of County Courts.

Senate. Print 4750 - Intro 3948. Provides state aid for judicial salaries.

Senate. Print 4376 - Intro 3800. Increased pay for judicial employees.

Senate. Print 4071 - Intro 3721. Provides for use of retired Judges.

NEW YORK CITY CIVIL COURT

Assembly. Print 5218 - Intro 4924. Establishes Civil Court.

Senate. Print 4779 - Intro 3960. Amends above in relation to administration.

Assembly. Print 5214 - Intro 4920. Provides for transfer of Judges.

Assembly. Print 5220, 5905 - Intro 4926. Amends various laws.

NEW YORK CITY CRIMINAL COURT

Senate. Print 4066, 4674 - Intro 3716. Establishes Criminal Court.

Senate. Print 4723 - Intro 3934. Compensation of Judges and amends Family Court Act.

Senate. Print 4069 - Intro 3719. Amends various laws.

Senate. Print 4074, 4602 - Intro 3724. Amends various laws.

Senate. Print 4680 - Intro 3920. Fixes salaries of Family Court Judges and Criminal Court Judges at $25,000.

FAMILY COURT

Senate. Print 3789, 4501 - Intro 3494. Establishes Family Court.

Senate. Print 4751, 4764 - Intro 3949. Amends Family Court Act as to number of Judges.

Senate. Print 4078 - Intro 3728. Amends Family Court Act as to number of Judges and compensation.

Senate. Print 4076 - Intro 3726. Amends various laws.

Senate. Print 4678 - Intro 3918. Amends various laws.

Senate. Print 4677 - Intro 3917. Amends various laws.

ASSOCIATE ALUMNAE OF VASSAR COLLEGE

ALUMNAE HOUSE, POUGHKEEPSIE, N. Y.

Telephone: Poughkeepsie Globe 4-2300

1 3493

March 19, 1962

Acknowledged by WJR 3/22/62

The Honorable Nelson A. Rockefeller
The State House
Albany, New York

My dear Governor Rockefeller:

I take the liberty of writing you about two bills introduced on Administration and the Family Court. They are:

Albert-Brook bill on Judicial Administration Nos. S.I. 3493, S.P. 3788; A.I. 4908, S.P. 5202

Albert-Lounsberry bill on the Family Court Nos. S.I. 3494, S.P. 3789; A.I. 4909, S.P. 5203

It is my hope that you will exert your leaderson to assure passage of adequate legislation. Alth ugh I support the Albert Committee's legislation in part, it is my opinion that the two bills should be amended as follows:

Judicial Administration Bill

To give the State Administrator of the courts the authority to appoint all administrative personnel and to provide that the cost of administration be paid by the state. This would delete the present wording giving the Appelate Divisions this authority.

The Family, Civil and Criminal courts in New York City should be treated as a unit instead of splitting the administration between the First and Second Appellate Divisions.

The Family Court Act

To .crease the age limitation and bring within the jurisdiction of this court all cases in which special procedures for young people are now available. (The bill limits the jurisdiction of the Family Court to children under 16).

To give this court exclusive jurisdiction over adoptions. (The bill provides that the Surrogates Court shall have concurrent jurisdiction over adoptions for a period of two years).

Your grave consideration of this important legislation is ernestly requested.

Respectfully yours,

Gertrude G. Garnsey
Alumnae Secretary

GGG:jc
cc: Mr. Pomeroy
Mr. Hatfield

STATE CHARITIES AID ASSOCIATION

(A Voluntary Organization in Health and Welfare)

105 EAST 22ND STREET, NEW YORK 10, N. Y.

TELEPHONE GRAMERCY 5-1455

83493

February 27, 1962

O.K. Acknowledged by WJB 3/14/62

The Honorable Nelson A. Rockefeller
Governor of New York State
Executive Chamber
State Capitol
Albany 1, New York

Re: Family Court

Dear Governor Rockefeller:

Although our major interests relate chiefly to state-wide issues, we are disturbed by a situation with serious implications for families and children in New York City.

Our conviction of the need for a legally-mandated single administration for the Family Court in New York City is reflected in the enclosed copy of a letter to the Republican legislative leaders. In drawing your attention to this problem, which we consider of the utmost urgency and importance, we hope that you will exert your influence to achieve, at the outset of the new plan, the sound Family Court structure that will best provide services for New York City families in trouble.

Very truly yours,

Gordon E. Brown

Gordon E. Brown
Executive Director

Enclosure

STATE CHARITIES AID ASSOCIATION

(A Voluntary Organization in Health and Welfare)

105 EAST 22ND STREET, NEW YORK 10, N. Y.

TELEPHONE GRAMERCY 5-1455

February 27, 1962

The Honorable Walter J. Mahoney
Senate Chamber
State Capitol
Albany, New York

Re: S. Int. 3493, Pr. 3788, Albert;
S. Int. 3494, Pr. 3789, Albert.
Family Court, New York City

Dear Senator Mahoney:

After years of citizens' struggle for simplification of the State courts, final decisions of great importance are about to be made. We are writing you because the wisdom of the decisions rests squarely within the control of you and other leaders of the majority party in Albany. We are greatly concerned by the decision of the Joint Legislative Committee on Court Reorganization not to write into the proposed law a mandate for unified administration of a city-wide Family Court in New York City. This question is of crucial importance.

A provisional and temporary agreement, outside of the law, does not ensure the structure that is needed. Neither does the current proposal -- since it is permissive only -- that the Administrative Board of the Judicial Conference may require the Appellate Divisions of the first and second departments to select a single administrative judge.

It has been alleged that critics of this proposal are politically motivated by the Mayor of New York City and others in the Democratic Party. The State Charities Aid Association holds no political partisanship, but we must stoutly deny the implication that the impetus for mandating a city-wide Family Court simply reflects political motivation. It does not, nor should it. The welfare of families is the motive. You will agree that this must be above and beyond party considerations.

The solid body of opinion of those involved in family welfare work in New York City supports the proposition that the new Family Court should be city-wide in administration in order to provide city-wide services.

This city-wide structure is in effect today in the Domestic Relations Court. It works. There is no need to experiment or temporize. The new law should contain a mandate, not mere permission.

We are making our views known, with substantiating reasons, to Senator Albert and the Chairman of the Judiciary Committee.

Meanwhile, we earnestly ask your support for amending the current proposal so that a single unified administration will be mandated for the Family Court in New York City.

Very truly yours,

Gordon E. Brown
Executive Director

1901 (JL) 1961 S3493

The Junior League of the City of New York, Inc.

130 East 80th Street Butterfield 8-6220

New York 21, N. Y.

The Honorable Robert MacCrate
Administrative Assistant to the
Governor
Executive Chambers
Albany 1, New York

March 6th, 1962

RE: S. Intro No. 3493-Albert
A. Intro No. 4908-Brook

Dear Mr. MacCrate:

At Membership Meetings on February 6th and 8th the membership of the Junior League of the City of New York voted to support the Recommendations of the Joint Committee on Family Court Procedures.

For many years the Junior League has been interested in our courts, particularly those affecting the lives of children and families. Recently, since the spring of 1959, we have had a Courts Committee which conducted a survey including a demonstration of the need for an Information and Referral Service at the Criminal Courts Building. Also, we have had a study group on Court Reform. The specific interest and findings of these two committees have been communicated to our 1700 members.

We state our conviction that any legislation concerning the Family Court which is passed at this session of the Legislature should include, in particular, these three recommendations:

1) that the jurisdiction of the Family Court include minors up to the age of 19 years,

2) that a minor between the ages of 16 years and up to 19 years deemed by the Court not amenable to the procedures of the Family Court may be referred to the criminal jurisdiction; that a minor between the ages of 19 years and up to 21 years deemed by the Criminal Court amenable to the procedures of the Family Court may be referred by the criminal jurisdiction to the Family Court,

3) that the judicial hearing be split into two parts; only competent evidence of the standard prevailing in the Civil Courts may be taken at the adjudication hearing; further, material and relevant evidence may be taken at the disposition hearing.

These recommendations are based on study, discussion and the practical knowledge of many agencies based on years of work with children in the age group recommended for inclusion within Family Court jurisdiction. These recommendations are based on the conviction that most children are not criminals; that the best hope for our total community, faced with increasing deviations from the accepted pattern of behavior, is to bring all the knowledge and treatment techniques that medical and social sciences can command. Further, the recommendations are based on the conviction that the rights of an individual to due process must be protected appropriately in a 'social' court as they are protected appropriately in other Civil Courts and in Criminal Courts.

We attended the open hearing on recommendations for the Family Court legislation held by the Joint Legislative Committee on Court Reorganization (the Albert Committee) in New York City on February 16th. We noted the testimony given by social agencies, the Bar Associations, lawyers groups and The Citizens Committee for the Court of Domestic Relations to the validity of the Recommendations of the Joint Committee on Family Court Procedures.

The support by our membership of these Recommendations has been conveyed to the other twenty (20) Junior Leagues in the State of New York.

We are respectfully requesting that our support be noted and considered by the Governor of the State of New York, the Joint Legislative Committee on Court Reorganization and the Legislators.

Very truly yours,

(Mrs. Thomas H. Barton)
President

jjb:s

MYLES B. AMEND
CHAIRMAN
STATE BOARD OF SOCIAL WELFARE

STATE OF NEW YORK
DEPARTMENT OF SOCIAL WELFARE
112 STATE STREET
ALBANY

RAYMOND W. HOUSTON
COMMISSIONER

FELIX INFAUSTO
COUNSEL AND BOARD SECRETARY

S. 3493

April 12, 1962

Hon. Robert MacCrate
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York

Re: Senate Int. 3493, Print 4500

Dear Mr. MacCrate:

In response to your request, I am enclosing memorandum re the above.

Sincerely yours,

Raymond W. Houston

Raymond W. Houston
Commissioner

Enc.

FORM OF MEMORANDUM TO ACCOMPANY COMMENTS ON BILLS BEFORE

THE GOVERNOR FOR EXECUTIVE ACTION

New York State Department of Social Welfare

April 12, 1962

SENATE	ASSEMBLY	Introduced by:
Int. 3493 Pr. 4500	Int. Pr.	Mr. Albert

RECOMMENDATION: No Recommendation

STATUTES INVOLVED: Judiciary Law

EFFECTIVE DATE: September 1, 1962

DISCUSSION:

1. Purpose of bill: To provide for administrative supervision of the unified court system.

2. Summary of provisions of bill:

3. Prior legislative history of bill and similar proposals:

4. Known position of others respecting bill:

5. Budget implications:

6. Arguments in support of bill:

7. Arguments in opposition to bill:

8. Reasons for recommendation: The subject matter of the bill is appropriately not within the jurisdiction of this department, though we and the agencies we supervise have an interest in the efficient operation of the court system.

THE ASSOCIATION OF THE BAR
OF THE CITY OF NEW YORK
42 WEST 44TH STREET
NEW YORK 36

SPECIAL COMMITTEE ON THE REORGANIZATION OF THE COURTS

JAMES H. HALPIN, CHAIRMAN
120 BROADWAY
NEW YORK 5, N. Y.
WORTH 2-2000

ANTHONY S. GENOVESE, SECRETARY

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S3493

April 13, 1962

Robert MacCrate, Esq.
Counsel to the Governor
Executive Chamber
Albany, New York

S. Int. 3493, Pr. 4500 -- approved; comment

Dear Mr. MacCrate:

You have requested the views of this Association on the above bill to amend the Judiciary Law in relation to the administrative supervision of the unified court system of the State of New York.

In so far as such bill deals with how the new New York City civil court and criminal court, and new family court within New York City, shall be supervised by the Appellate Divisions, First and Second Departments, our views (i.e., the views of the Association's Special Committee on the Reorganization of the Courts) are set forth in the Committee's printed booklet entitled "Reports and Comments on Proposals of the Joint Legislative Committee on Court Reorganization," previously sent you, at pages 1 through 9.

Principally, and as stated on page 3 of our booklet, we greatly regret that the bill does not require the two Appellate Divisions first to try joint supervision of such courts, with separate subidivision to be undertaken only later if joint supervision has been shown to be a failure. However, and subsequent to the printing of our booklet, the bill was amended to give greater emphasis to the possibility of joint supervision, and we are thus considerably encouraged on that score. As we have previously stated, it seems to us extremely important, from the

point of view of achieving court simplification and unification, that joint supervision should be undertaken right from the start and that the unfortunate alternative of subdivision be tried only as a last resort. We understand that it is presently planned to follow this procedure -- a fact which might appropriately be made a part of the legislative record, if it does not already there appear.

As stated on page 5 of our booklet, we also believe that the proposed Section 217 should give greater powers and standing to each administrative judge, so that, subject to the control of the two Appellate Divisions and the Administrative Board, such administrative judge will have sufficient power, dignity and prestige to enable him successfully to give administrative orders to his fellow judges in his court. But perhaps that can be achieved next year, by amendment to Section 217.

In so far as the remaining portions of the bill are concerned, we are pleased that a number of changes from the original bill have been made -- particularly those in Section 215 which has the effect of making the State Administrator, his staff, the departmental directors and their staffs a cohesive unit rather than five autonomous offices. We still feel, as stated on Page 14 of our booklet, that it would be better if the Administrative Board actually appointed the departmental directors rather than having the appointments made by the respective Appellate Divisions. We cannot understand at all why there is not an express provision in the bill prohibiting each member of the administrative staff (both state-wide and departmental) from practicing law. (See pages 13 and 14 of our booklet.)

As stated on pages 15 and 16 of our booklet, we certainly hope that Section 222 will not have the effect of continuing in perpetuity the power of individual judges to fix the number of their personnel staffs.

Finally, we wish to point out that if S. Int. 27 (S. Print 5904) is signed by the Governor in its present form there will be in force until September 1, 1963, two Sections 229 of the Judiciary Law, one as appears in this bill, entitled "Departmental Committees for Court Administration: Meetings; Expenses"; and the other as appears in S. Int. 27, entitled "Additional Powers and Duties of the Judicial Conference."

Subject to the above comments, we approve the bill.

Very truly yours,

James H. Halpin
Chairman

THE SURROGATES' ASSOCIATION
of the State of New York

S-3493

April 12, 1962

Hon. Robert MacCrate
Executive Chamber
State Capitol
Albany 1, New York.

In re: Senate Intro.3493 Print 4500
by Mr. Albert

Dear Mr. MacCrate:

The above numbered bill was introduced on the recommendation of the Joint Legislative Committee on Court Reorganization for the purpose of implementing the constitutional provisions relating to administrative supervision of the courts. We should like to call your attention to one provision that is somewhat vague and that in the light of another provision may effect a change more sweeping than that which may have been in the mind of the sponsors.

Proposed section 214 (page 7, lines 25 to 27 of the bill and page 8, line 1) states that each appellate division, with respect to the courts in its department, be vested with "all administrative powers and duties vested pursuant to any provision of law in any judicial or non-judicial personnel of the courts in its department." This text does not deal with supervisory powers but actually vests all administrative powers in the Appellate Division and may possibly be construed as divesting every other judicial officer or clerk of the administrative powers.

Proposed section 222 deals with "personal assistants" to a judge. It would provide that whenever a judge is authorized to appoint "personal assistants to render to him legal or clerical services",

the power of the judge to make such appointments shall continue "notwithstanding the provisions of section two hundred fourteen". This text would imply that section 214 would otherwise deprive the judge of the power given to him to appoint "personal assistants". The question then arises, what is meant by "personal assistants"? If this term be construed to mean all of the assistants whom the judges of any court are authorized to appoint, the statute would permit the court to make appointments in case of vacancies. If the quoted words, however, are narrowly construed to mean only a personal attendant and secretary, the power of the surrogates to make appointments of court personnel would be taken from them. We are certain that the legislature never intended any such disruption of the court operation.

The Surrogates' Association, therefore, wishes to express its objection to the text of the bill referred to hereinabove. This bill came to our attention only after the session had closed and we had no opportunity to express this objection to the legislative committees.

Yours very truly,

Paul J. Powers

PAUL J. POWERS.
Secretary

PJP/ef

THE JUDICIAL CONFERENCE
OF THE
STATE OF NEW YORK
270 BROADWAY
NEW YORK 7, N. Y.
BArclay 7-1616

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THOMAS F. McGOY
STATE ADMINISTRATOR

S 3493

April 5, 1962

Hon. Robert MacCrate
Counsel to the Governor
The State Capitol
Albany, New York

Re: Senate Int. 3493, Print 4500
" Int. 3494, Print 4501
" Int. 3719, Print 4069
" Int. 3721, Print 4071
" Int. 3724, Print 4602
" Int. 3726, Print 4076
" Int. 3917, Print 4677
" Int. 3918, Print 4678
" Int. 3933, Print 4722
" Int. 3934, Print 4723
Assembly Int. 4920, Print 5214
" Int. 4924, Print 5218
" Int. 4926, Print 5905
" Int. 4921, Print 5215

Dear Mr. MacCrate:

This will acknowledge your request for comments and recommendation upon the above listed bills, all of which are recommended by the Joint Legislative Committee on Court Reorganization.

These fourteen bills are part of the implementing legislation required to make effective the provisions of the new Judiciary Article which becomes operative on September 1, 1962.

The Judicial Conference has not officially passed upon the detailed provisions contained in these bills. Indeed, to do so would require a period of study at least as lengthy as that required to draft the proposals.

The matter of approving implementing legislation under which the court structure can function in September is an overriding necessity. At this juncture it would be unwise for any reason to postpone approval of this package of bills. Judges,

administrators, clerks and lawyers alike must be able to plan the processing of cases under the new court system and must have available to them the detailed provisions under which they will function.

I would recommend that all of the bills proposed by the Joint Legislative Committee on Court Reorganization be approved.

Sincerely yours,

State Administrator

TFM:ah

S-3493

STATE DEPARTMENT OF CIVIL SERVICE April 9, 1962.

Memorandum re following bills:

SENATE Int. 3493, Pr. 4500, Mr. Albert

SENATE Int. 3933, Pr. 4722, Committee on Rules

RECOMMENDATION: No objection

STATUTES INVOLVED:

Judiciary Law, Article 7-A repealed and new Article 7-A substituted (§§ 210 thru 230);
Judiciary Law, §§ 212(1), 214; 223(3) repealed; §§ 226(1 & 2), 273(new 2-a)

EFFECTIVE DATE:

September 1, 1962, except § 4 of Albert bill which will take effect immediately.

DISCUSSION:

These measures provide for the administrative supervision of the Unified Court System of the State, which will become operative on September 1, 1962. The Albert bill adds a new Article 7-A to the Judiciary Law entitled "Judicial Administration". The Committee on Rules bill makes several amendments to such Article. The several civil service aspects of this legislation are as follows:

1. Section 212 of the new Article 7-A confers on the Administrative Board of the Unified Court System the authority to adopt standards and policies of general application relating to personnel practices, title structure, job definition, classification, qualifications, appointments, promotions, transfers, leaves of absence, resignations and reinstatements, performance rating, sick leaves, vacations, time allowances, and removal of non-judicial personnel. The Committee on Rules bill adds to these provisions the requirement that the standards and policies of the Administrative Board relating to these powers and duties shall be consistent with the Civil Service Law.

2. Section 223 of the new Article provides that officers and employees of courts abolished by the recently adopted Article VI of the Constitution shall, to the extent practicable, be transferred to the courts which exercise the jurisdiction formerly exercised by the courts in which they were employed, and such personnel shall be appointed to positions in such courts where their skills, experience and training can be fully utilized. These transfers and appointments are expressly required to be made in compliance with the provisions of the Civil Service Law. The employees involved are to be continued in their new positions without diminution of salary and with the same status and rights. Such employees are also assured continuity of membership, and rights, privileges, obligations and status with respect to any retirement system in which they are members. Subdivision 3 of Section 223, as it appears in the Albert bill, is repealed by the Committee on Rules bill. It

provides that the appointment, promotion, and continuance of employment of personnel of the Unified Court System shall be governed by the provisions of the Civil Service Law. This subdivision is no longer necessary in view of the previously described amendment to Section 212 made by the Committee on Rules bill to require that the standards and policies in relation to personnel matters be consistent with the provisions of the Civil Service Law.

3. Section 4 of the Albert bill authorizes the Chief Judge of the Court of Appeals and the Presiding Justices of the Appellate Divisions to function as the Administrative Board immediately in preparation for the transition to the Unified Court System on September 1, 1962. In this connection the section authorizes them, in cooperation with the appropriate civil service commissions and appellate divisions, to make provision for the transfer to comparable positions in the Unified Court System of the non-judicial personnel of courts affected by Article VI of the Constitution in order to insure the continued employment of such personnel without diminution in salary and with the same status and rights.

We can find no objection to these bills from the civil service standpoint.

H. Eliot Kaplan,
President

~~Encls.~~

League of Women Voters of Amherst, N.Y.
163 Lehr Springs Drive
Williamsville 21, New York
March 10, 1962

Ack. Acknowledged by WJR
3/15/62

Governor Nelson A. Rockefeller
Executive Chamber
Albany, New York

Dear Governor Rockefeller:

The Court Reform Amendment received an 82% affirmative vote in November. We find that interest and support for Court Reform did not end with the passage of Amendment I. Our League members, as well as others in the community, are asking "What is happening to Court Reform?" We hope that by the end of this legislative session, sound reorganization of the courts will be accomplished. And we believe that to achieve it, we must respectfully ask you to assert your leadership to its fullest, to assure adequate implementing legislation. In particular we bring your attention to the Judicial Administration Bill and the Family Court Bill which have been introduced.

The Albert-Brook bill (S.I. 3493, S.P.3788) on Judicial Administration provides for division of administrative authority among the four Appellate Division, and for payment of salaries from the Appellate Division budget - evetually paid by localities. We believe that it is necessary for the State Administrator of the courts to have the authority to appoint all administrative personnel, and that administrative costs must be paid by the state

This bill also makes possible a split in the administration of the Family, Civil and Criminal Courts in New York City between the first and second Appellate Divisions. Such a split would be costly and cause much confusion, and therefore single administration should be <u>mandated</u> in the implementing legislation.

The Albert-Lounsberry bill (S.I. 3494, S.P. 3789) limits the jurisdiction of the Family Court to children under sixteen (except in certain cases, girls to 18). This is less than is now available to young people. We urge that the age limit be raised to at least include all now covered by such special procedures as Youthful Offender treatment. By doing so, maximum benefit will be derived from the auxiliary services of the Family Court.

W e also urge that the Family Court's exclusive jurisdiction over adoptions as mandated in the Amendment be put into effect <u>now</u>. Again, this court is the only one which can consistently provide the necessary auxiliary services and adequate investigation of adoptive parents.

We are confidant thatyou will continue to work vigorously for sound court reorganization in these crucial weeks of the legislative seesion, as you did prior to the passage of the Amendment.

Yours truly,

Marion A. Nichol

Marion A. Nichol (Mrs. Charles)
President

S 3493

League of Women Voters

of

Tompkins County

Ithaca, New York

March 23, 1962

Acknowledged by WJR 3/28/62

The Hon. Nelson A. Rockefeller
Executive Chamber
Albany 1, New York

Re: S.I. 3493, S.P. 3788; A.I. 4908, S.P. 5202, Albert-Brook
(Judicial Administration)
S.I. 3494, S.P. 3789; A.I. 4909, S.P. 5203, Albert-Lounsberry
(Family Court Act)

Dear Governor Rockefeller:

Members of the League of Women Voters of Tompkins County hope that you will use your influence with the leaders of the legislature to amend the two bills listed above, recommended by the Albert Committee.

This county voted for the Court Amendment by a large majority. The new Judiciary Article offered a real chance for the whole state to have a modern, efficient court system. We are disappointed, to say the least, that the legislature is not taking full advantage of this opportunity to do a really distinguished piece of work.

We consider mandatory city-wide administration of the three new courts in New York City essential. We recognize that administrative problems of all kinds in New York City are staggering in size. However, we share the belief of League members in New York City and other parts of the state, that division of supervisory responsibility between two Appellate Divisions within the city could tend to perpetuate some of the problems the new Judiciary Article was designed to correct. We do not think up-state areas can ignore New York City's problems.

We do not see how the courts can be really integrated without the centralization of administration the League has worked for.

We have not seen the latest amendments to the Family Court Act, but we consider it very important in this part of the state to include in the jurisdiction of the Family Court all the cases in which special procedures for young people are now available. The Family Court can be expected to have the judicial and auxilliary personnel best equipped to deal with our young people in the best interests of the young people themselves and their communities. With no mandatory training for justices of the peace, and the service of trained investigators and probation officers used only sporadically outside of the county level courts, we think the Family Court should have the maximum jurisdiction permitted by the amendment.

Sincerely yours,

Margaret S. Harding

Mrs. John S. Harding
President

cc - Senator Metcalf

11

202 Eddy St.
Ithaca, N.Y.

S-3493

10 Pinewood Avenue
Glens Falls, New York
March 16, 1962

Acknowledged WJR
3/23/62

Honorable Nelson A. Rockefeller
Executive Chambers
Albany, New York

Dear Governor Rockefeller,

Many of us who worked so diligently for the passage of Amendment No. 1 are now concerned that parts of the legislation submitted by the Albert Committee are not only inadequate, but are in direct opposition to the overwhelming mandate of the people in November.

Therefore, I am writing to urge you to consider the mandate and to assert your leadership for adequate legislation in the amendment of the Judicial Administration Bill: (S.I. 3493, S.P. 3788; A.I. 4908, S.P. 5202).

1. To give the State Administrator of the courts the authority to appoint all administrative personnel and to provide that the cost of administration of the new state-wide court system be paid by the State.

2. To mandate single, city-wide administration of the Family, Civil and Criminal Courts in New York City.

The amendment of the Family Court Act bill is also essential: Albert-Lounsberry (S.I. 3494, S.P. 3789; A.I. 4909, S.P. 5203).

1. To increase the age limitation and bring within the jurisdiction of this court all those cases in which special procedures for young people are now available.

2. To give this court exclusive jurisdiction over adoptions, as stated in the new Judiciary Article.

Unless these bills are amended, the new court system, effective on September 1, 1962, will fall short of our goals and those of the public. Thank you.

Yours truly,

Phyllis V. Burger,
(Mrs. James T. Burger)
Judicial Chairman,
League of Women Voters of Glens Falls, N. Y.

LEAGUE OF WOMEN VOTERS OF WHITE PLAINS

WHITE PLAINS, NEW YORK

S-3493

March 20, 1962

The Honorable Nelson A. Rockefeller
Executive Chambers
Albany, New York

Acknowledged by WJR 3/23/62

Dear Governor Rockefeller:

Last November the citizens of New York State, desiring a modern and efficient judicial system, overwhelmingly endorsed a new Judiciary Article for the Constitution. Now implementing legislation has been introduced by the Joint Legislative Committee on Court Reorganization to the Legislature.

Since a veto would be impractical the League of Women Voters of White Plains urges your help and leadership NOW to assure the passage of adequate legislation to carry out the public's mandate.

We have applied the same basic principles of sound court reorganization to the specific recommendations proposed as we have applied throughout our years of work in this field and in campaigning for an affirmative vote on Amendment I last fall. In doing so we find that certain features of the proposed legislation endanger the goal of a truly modern and efficient court system. They fall far short of these basic principles - and the public's expectations.

Therefore, we urge your serious consideration and active support toward the amendment of the Albert-Brook (S.I. 3493, S.P. 3788; A.I. 4908, S.P. 5202) bill on Judicial Administration on the following two points.

A - In order to retain a truly centralized administration for our court system with the advantages of uniform business-like procedures, the State Administrator of the courts should be given the authority to appoint all administrative personnel. Provision should also be made that the costs of administering the new statewide court system be paid by the state instead of seperate localities.

This would carry out the original intent of the Judiciary Article. It would maintain a single integrated court system instead of decentralizing the administrative authority, tending to create independent court systems within each Appellate Division.

B - Although New York City is not directly within the concern of Westchesterites, we are close enough to recognize their problems and feel that the administration of justice throughout the state is a state concern. It seems natural

natural that a single, centralized administration for the Family, Civil and Criminal courts within a cities boundaries would be mandatory in an integrated, state-wide court system.

New York City being bisected by two Appellate Divisions and composed of more than one county is even more in need of a single city-wide administration to avoid the costly duplications, differences in procedures, fiscal rivalry and general inconvenience and confusion.

The following two sections of the Albert-Lounsberry (S.I. 3494, S.P. 3789; A.I. 4909, S.P. 5203) bill on the Family Court seriously jeopardizes the express mandate of the people at the polls. We also urge your serious consideration and active support toward the amendment of this bill.

A - Under existing law Youthful Offender treatment may be given to youths up to 19years of age. The jurisdiction of the Family Court, with it's auxiliary services geared to the needs of youths and families, whould be increased to include all those cases in which special procedures for young are NOW available.

B - The Judiciary Article expressly states that adoptions "shall be originated" in the Family Court. We are shocked that the proposed legislation should go directly against the wishes of the public by not giving the Family Court EXCLUSIVE jurisdiction over adoptions. It would seem only logical that adoptions be made in the Family Court where adequate investigation of the adoptive parents can be made by the proper auxiliary services.

The League of Women Voters of White Plains appreciates your thoughtful consideration of this matter in the knowledge that you, as our representative, are equally concerned that the people of New York State receive the effective and efficient judicial system mandated at the polls.

Yours truly,

Jean Pollak

Mrs. Henry Pollak
President, League of Women Voters
of White Plains

Acknowledged by WJR

3/20/62

1343

League of Women Voters
Alfred, New York

P. O. Box 941
Alfred, New York
March 15, 1962

Governor Nelson A. Rockefeller
State House
Albany 1, New York

Dear Governor Rockefeller:

We, in the League of Women Voters of Alfred, are extremely concerned about the two bills (Albert-Brook, S. I. 3493, A.I. 4908, and Albert-Lounsberry, S.I. 3494, A.I. 4909) designed as enabling legislation for the Judicial Administration and Family Court aspects of the Court Reorganization amendment passed by the voters of N. Y. State last fall.

The Albert-Brook bill, if passed as introduced, would have the effect of dividing administrative responsibility between the four Appellate Divisions of the court system, and fails to mandate a single, city-wide administration for the Family, Civil, and Criminal courts in New York City.

The Albert-Lounsberry bill, if passed as introduced, will limit the jurisdiction of the Family Court to youths under 16 (instead of raising it to include 19-year olds), and permits the Surrogates Court to retain its control over adoption.

Both of these bills run directly contrary to the spirit of the Court Reorganization Amendment and, as such, are contrary to the wishes of the overwhelming number of voters in our area who helped to pass Amendment #1 last November.

We hope that you will use all of your influence to see that these bills are amended in such a way that New York State will have the unified court system for which so many of us have worked so hard.

Sincerely yours,

Suzanne W. Wood

Mrs. John C. Wood
Chairman, Judicial Committee

LEAGUE OF WOMEN VOTERS
Middletown, New York

S 3493

March 9, 1962

Acknowledged by WJR
3/15/62

Governor Nelson A. Rockefeller
State House
Albany, New York

Dear Governor Rockefeller:

I strongly urge you to use all your influence to assure the passage of adequate implementing legislation on Judicial Administration and the Family Court. The state Legislature was given a clear mandate last fall by the people, in their affirmative note on Amendment One, to give this state a court system capable of dealing with todays judicial needs. It is my understanding that the Albert-Brook (S.I. 3493, S.P. 3788; A.I. 4908, S.P. 5202) bill on Judicial Administration and the Albert-Lounsberry (S.I. 3494, S.P. 3789; A.I. 4909, S.P. 5203) bill on the Family Court do not begin to give to the State of New York the court system the people of this state clearly want.

Your leadership is needed now to press for amendments of these bills so that the citizens of this state may look forward to the protection of their rights that only an improved and adequate court system can give.

Yours truly,

Louise M. Briggs

Louise M. Briggs
(Mrs. Ferris Briggs)
President
Middletown League of Women Voters

LMB:eh

LEAGUE OF WOMEN VOTERS OF ALBANY COUNTY
46 EAGLE STREET, ALBANY 10, N. Y.

March 12, 1962

Governor Nelson A. Rockefeller
State of New York
Albany, New York

Acknowledged by WJR 3/15/62

Dear Governor Rockefeller:

The League of Women Voters of Albany County urges you to use your leadership at this time in support of much needed amendments to the Court Reform bills before the legislature. We refer to:

Albert-Brook (S.I. 3403, S.P. 3788; A.I. 4908, S.P. 5202) bill on Judicial Administration

and Albert-Lounsberry (S.I. 3404, S.P. 3789; A.I. 4909, S.P. 5203) bill on the Family Court

The changes we seek are:

Judicial Administration Bill

1. an amendment that will give the State Administrator of the courts the authority to appoint all administrative personnel and to provide that the cost of administration of the new statewide court system be paid by the state.

We do not want four independent court systems for New York State but a single integrated system!

2. an amendment that will mandate single, city-vide administration for the Family, Civil and Criminal courts of New York City.

Such an amendment is needed to avoid split administration, costly duplication of personnel and services, differences in procedures, fiscal rivalry, and general inconvenience and confusion.

Family Court Act.

1. an amendment to increase the age limitation and bring within the jurisdiction of this court all those cases in which special procedures for young people are NOW available.

At present youths up to 19 years may be given Youthful Offender treatment in criminal courts that do not have auxiliary services.

2. an amendment to give the Family court exclusive jurisdiction over adoptions.

It is important that adoptions be handled in the court where adequate investigation of the adoptive parents can be made. Yet many Surrogate's Courts do not have the needed auxiliary services.

If a new type of Family Court can be set up in New York State, so that a broad spectrum of problems can be handled in the Family Court, New York State will be established as a pace setter in the area of family justice. The existing bills, without amendment, represent policies of postponement, delay, and compromise. Now is the time to establish the Family Court with broad jurisdiction. This is what was envisioned in the Judiciary Article which was adopted overwhelmingly in the last election.

Yours truly,

Mrs. John A. Muntz, President

S-3493

LEAGUE OF WOMEN VOTERS
OF NEW YORK STATE

131 EAST 23rd STREET • NEW YORK 10, N.Y. • OR 7-5050

Mrs. John Fitchen, President

LEGISLATIVE MEMORANDUM S.I. 3493;P. 4500
S.I. 3933;P. 4722

Administrative Supervision of the Unified Court System of the State of New York

S.I. 3493; P. 4500

We believe that this measure will provide the basis for the efficient administration of the new judicial system. We commend the broad grant of power to the Administrative Board and believe that this centralization of authority will lead to uniformity, economy and equity in the operation of the courts throughout the state. We are particularly gratified that the cost of supervising the administration and operation of the courts will be included in the budget of the Administrative Board (Sec. 215) rather than borne by the Appellate Division budgets as originally proposed.

We deplore, however, the failure of this bill clearly to mandate single, city-wide administration of each of the lower courts in New York City. Although the language of Section 217 has been improved since the original version of the bill, it still leaves to the discretion of the Administrative Board and/or the Appellate Divisions of the first and second Departments the determination as to whether each of these courts will be jointly supervised and have a single administrative judge or whether each will be divided into two units. The unanimous opinion of bar and civic groups is that each of these courts must be administered as a single city-wide unit if New York City is to derive full benefit from court reorganization. An administrative division of these courts would represent a tragic step backwards in the struggle for a simplified, economical and convenient judicial system.

S.I. 3933; P. 4722

We recommend that this bill be vetoed. It provides, by amending the judicial administration bill discussed above, that the presiding judge of the Court of Claims shall be the administrative judge of that court (Sec. 2). Under the proposed new Section 7A of the Judiciary Law, the administrative judges of all other courts will be designated by the appropriate Appellate Divisions. We see no reason why a different procedure should be followed in the case of the Court of Claims and believe that such an exception is contrary to the centralized administrative control concepts of both the new Judiciary Article and the proposed Judicial Administration law.

Furthermore, we note that Section 5 of this bill purports to amend Section 273 of the new Judicial Administration law. No

LEAGUE OF WOMEN VOTERS
OF NEW YORK STATE

131 EAST 23rd STREET • NEW YORK 10, N.Y. • OR 7-5050

Mrs. John Fitchen, President

S.I. 3933; P. 4722 (continued)

such section is contained in that bill and we assume that this is an error.

The other matters covered in this bill are minor language changes which will not create any serious difficulties if this bill is not enacted.

St. Luke's Hospital

MORNINGSIDE HEIGHTS
AMSTERDAM AVENUE AND 113TH ST.
NEW YORK 25, N. Y.

UNIVERSITY 5-3000

S3493

March
27th
1962

Acknowledged by WJR
4/2/62

The Honorable Nelson A. Rockefeller
Governor of the State of New York
Executive Chambers, State Capitol
Albany, New York

Dear Sir:

I am writing you to indicate my wholehearted support of two bills:

1. Bill on Judicial Administration: S.I. 3493; Pr. 3788
   Albert
   A.I. 4908; Pr. 5202
   Brook

2. Family Court Bill: S.I. 3494; Pr. 3789
   Albert
   A.I. 4909; Pr. 5203
   Lounsberry

The necessity for these developments is clear from the present complicated and confused state of family and youth responsibility and jurisdiction.

The above bills offer promising beginning steps toward the much needed development of a substantial integrated and effective approach to these problems. Your support of them is urged and strongly backed by the Citizens' Committee for Children, who has studied carefully the contents and implications of these measures. I would like to add my voice to theirs in this direction.

Sincerely yours,

Earl A. Loomis, Jr., M.D.
Chief, Division of
Child Psychiatry

EAL:AL

STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

ARTHUR LEVITT
STATE COMPTROLLER

April 6, 1962

IN REPLYING REFER TO

X3493

REPORT TO THE GOVERNOR ON LEGISLATION

To: Hon. Robert MacCrate, Counsel to the Governor

The following bills are of no interest to this Department:

SENATE Int.	Pr.
27	A. 5904
943	4528
1547	4700
1804	1863
1912	4410
1917	4293
1927	1992
1970	3853
1990	2062
2439	4565
2454	4441
2664	4651
2680	2850
2832	4701
2883	4486
2888	4567
3004	4137
3028	4652
3065	3295
3191	3445
3283	3555
3345	4226
3415	3705
3482	3777
3483	4489
3493	4500
3494	4501
3556	3883
3557	4490
3673	4460
3696	4706

SENATE	Int.	Pr.
	3703	4051
	3716	4674
	3719	4069
	3721	4071
	3724	4602
	3726	4076
	3728	4078
	3736	4660
	3737	4166
	3782	4336
	3783	4337
	3791	4367
	3793	4508
	3795	4371
	3813	4389
	3822	4421
	3827	4426
	3865	4645
	3868	4552
	3876	4582
	3911	4689
	3917	4677
	3918	4678
	3933	4722
	3934	4723
	3938	4745
	3947	4765
	3949	4764

ARTHUR LEVITT
State Comptroller

By Alfred W. Haight

Alfred W. Haight
First Deputy Comptroller

DD:bf