

Minutes  
Municipal Courts Task Force  
Tompkins County Legislature Chambers  
March 30, 2016

Present: Ray Schlather, Jason Leifer, Betty Poole, Elizabeth Thomas, Glenn Galbreath, Mark Solomon  
Excused: Scott Miller, Gwen Wilkinson  
Staff: Joe Mareane, Marcia Lynch

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Mr. Schlather called the meeting to order at 4:30 p.m.

Call for agenda changes: none.

Call for an approval of the March 9<sup>th</sup> minutes. Mr. Schlather had a few typo corrections which were provided to Joe Mareane. Glenn Galbreath made a motion to approve. Betty Poole seconded. All in favor and the minutes were approved.

Public Comment: There were no comments from the public.

Chair's Report: Mr. Schlather noted the importance of the current meeting regarding substantive discussion. Mr. Schlather thanked Mr. Galbreath for providing ongoing commentary. Mr. Schlather thanked Ms. Thomas for starting to compose her report. Mr. Schlather pointed out that that the Task Force is entering the final stages and it is critical that as the Task Force moves forward with its recommendations members make every effort to be present.

Staff Report: Mr. Mareane had a few things for members: Mr. Galbreath's memo of updated next steps, if anyone needs a copy let Mr. Mareane know. Also, two more documents which include an email from Gwen Wilkinson with the link to the Broome County DA's office that details the easy DMV process. Lastly, everyone should have a sheet of numbers that were pulled together to show local costs of the local courts.

Discussion:

A question regarding the charge was posed by Mr. Galbreath: Is the committee expected to come up with recommendations, or simply to identify issues that the Legislature seeks to address? Ms. Thomas suggested that perhaps suggestions and recommendations could both be a part of the report. Mr. Schlather pointed to the language in the resolution regarding the charge; which states their mission is to identify potential ways to sustain or improve quality justice, and then the means of how to get there. Mr. Mareane offered some guidance that the Task Force looks at quality and economy of justice.

Another thought Mr. Schlather had was that it is easier to go with things everyone can agree on. Follow up with the contentious items. Mr. Galbreath proposed that we discard certain items to narrow our work. Mr. Schlather thought it might be helpful having heard everything to go around the room to allow each person to give a sense that each of us feels comfortable recommending. Start by seeing if there is a consensus either way, the conversation should be started. Ms. Thomas offered that the group start with

our recommendations and then discuss piece by piece. Ms. Poole agreed and likes Mr. Galbreath's outline as a guide.

Mr. Soloman's thoughts are that he likes Mr. Galbreath's outline. Mr. Soloman would suggest first order of business if anyone wants to add issues or program items.

Mr. Schlather prefaced that there will always be some understandably valid pushback on the parts of the courts regarding the Task Force's recommendations. At the end of the day there is nothing that this group can do about what is done.

Mr. Soloman –What is the distinction?

Mr. Schlather -There is a huge amount of town court discretion, which short of a constitutional amendment, we cannot change. However, if we wanted to create a DWI part within the county courts that could be done structurally.

Mr. Soloman- you are distinguishing between things that require fundamental legal changes, as opposed to things that could be changed without?

Mr Schlather- it involves a political component and a legal component.

Ms. Thomas-people will agree and disagree with anything put forward. If we can agree on recommendations, if it is something that takes change at The State level, then let's send it up to the state.

Mr. Schlather: other comments?

Mr. Soloman-Start with the issues Glenn wants to drop, and see if any of them should be moved up.

Mr. Schlather notes that if there is a clear consensus the item would be dropped, otherwise it goes above the line.

Items for discussion:

- Remove one of the two justices? Keep above the line.
- Closing all village courts and allowing the towns to absorb-Mr. Schlather recommends dropping. Others agree, it is dropped.
- Create a district court to handle all misdemeanors and above-Keep above the line.
  - Ms. Poole objects to it being moved above the line.
- Requiring all village and town justices to be an attorney.
  - Ms. Poole thinks it should be dropped
  - Mr. Soloman believes it should be dropped
  - Ms. Thomas would go with the consensus
  - Mr. Schlather thinks it should be discussed one way or another.
  - With no consensus it stays above the line
  - Ms. Poole objects on the record to the issue of making it a requirement that town and village justices be attorneys.
- Courts taking partial payments for fines, surcharges, restitution. Keep above the line.
- Bail Issue-Keep above the line.
- Transfer Device- Keep above the line

- Written decisions-Keep above the line.
- Static policies with respect to sentencing-Keep above the line.
- Centralized DWI –Keep above the line, to be dealt with at April meeting.
- Centralized arraignment-Keep above the line.
- Voluntary consolidation-Keep above the line.
- Youth court-Keep above the line.
- Mental Health courts
  - Ms. Poole does not think that this is the forum for addressing the mental health issues.
  - Mr. Leifer believes third party policies come into effect here.
  - Mr. Schlather referred to a presentation in which there are deficiencies within our courts in regards to mental health.
  - For purposes of discussion it will stay above the line.

End of the list. Mr. Schlather pointed out that the group agrees on four issues: Access, Electronic Records, Scheduling cooperation and third party policies(DA consistency and related postings of plea bargain terms on the internet for easy access by the public; police diversion, pre-charge to Youth Court, training, etc). Does anyone have any other items?

Mr. Leifer asked about having The State allow municipalities to recoup costs. Mr. Schlather drew his attention to the handout that Mr. Mareane created that details the costs to run the courts versus the revenue generated.

Mr. Schlather went over the rolls that each member has regarding the report:

Mr. Liefer-Biographies	Mr. Galbreath-History
Mr. Mareane-Appendix	Mr. Miller-Legal issues
Ms. Thomas-Methodology	

Mr. Solomon suggested before the April 13 meeting, that members rank the issues.

Mr. Schlather stated the biggest issue that needs to be resolved is the topic of discussion at the next meeting. Do we recommend a DWI part or centralized misdemeanor part?

Mr. Solomon withdraws his thought.

Mr. Galbreath will revise the list and remove the ones that have been put below the line.

The next meeting will be April 13, 2016, followed by an April 27, 2016 meeting.

Meeting assessment: Was progress made, was value added? All agreed.

Ms. Poole inquired about the status of the intern. Mr. Schlather has not been in touch with him recently, so he is unsure of the status of the research. Mr. Mareane noted a half-page memo was written by the intern and Mr. Mareane will circulate.

The meeting adjourned at 6:00 p.m.