

All courts should provide liberal periods of time for low income defendants to pay fines, surcharges and restitution.

- ++ Much easier for defendants to pay
- + Fewer defendants will fail to pay
- + Ultimately less work for Court b/c defendant more likely to succeed
- It is more work for court clerks

If after giving low income defendants ample opportunities to pay fines, surcharges and restitution, they remain unable to pay, then all courts should use confessions of judgment to close out the case. In no instance, will a defendant be resentenced to jail when the defendant is unable (as opposed to being unwilling, but able, to pay).

- ++ Avoid jailing of indigents
- + Some chance of ultimate recovery of \$
- + Avoid work of constantly summoning defendant
- +++ This already is the law
- May never get paid
- Defendant may con the court
- Defendant may not change behavior

For pretrial defendants, no court should require bail or remand defendants to jail without bail unless, statutes require no-bail or it is very clear that the defendant is unlikely to reappear.

- +++ This already is the law
- ++ Save costs of jail/transport
- ++ Save defendant's/family job
- ++ Avoid major disruption of defendant/family
- + Even if not reappear, eventually will get caught
- Some defendants might not reappear

No court should require bail above the amount OAR can pay (after it reviews the defendant's situation in more depth) unless it is very clear that the defendant is unlikely to reappear even if an OAR level of bail is paid.

- ++ Save some of cost of jail
- ++ Save defendant's/family job
- ++ Avoid major disruption of defendant/family
- + Even if not reappear, eventually will get caught
- Some defendants might not reappear

All courts should agree that if the prosecution or defense requests transfer (see §170.15, CPL and §170.25 CPL) of a misdemeanor case by the County Court from a non-lawyer judge to a lawyer judge, the town/village court will agree to the transfer. The identity of the lawyer judge will not be known by the moving party in advance in order to limit "judge shopping."

- ++ Appearance + effect of a fair justice system
- + Less likely to make legal mistake
- + Tough to judge shop
- Defendant judge shopping (?)

All courts will do written decisions on motions/hearings that have any significant likelihood of appeal.

- + Appellate court is better able to rule
- ++ Writing forces clearer thinking
- More work for judge
- Delays decision

No court will have static “policies” that require sentence features that are imposed regardless of a defendant’s circumstances (e.g. always imposing a maximum fine in seat belt violation cases), unless those features are mandated by law (e.g. statutorily defined minimum fines, surcharges, etc.)

- ++ Law already requires this
- + Forces judge to consider each defendant as an individual
- A little more work
- Result less predictable

All alcohol/drug related V+TL cases in the County should be sent to a specialized “DWI Court” in the County Court with a judge sitting as a local criminal court. I think this is already possible if the District Attorney simply instructed all police agencies to file all DWI cases there regardless of where in the county the offense occurred (see §100.55 7. CPL)

- ++ Complex, serious, + common cases need judge familiar with these cases and procedures
- ++ More uniformity of result
- + Easier to connect to drug courts and services
- + T/V courts get less work
- + Not require anyone but DA to agree
- + Can more easily systemized follow up
- Defendant must travel further
- T/V crts lose local control of case
- DWI Court gets a lot of work

Create a centralized arraignment location for all after-hours arraignments. It could be in the City of Ithaca or maybe even better next to the County Jail. Each judge and assigned counsel would be scheduled in advance to cover her/his share of this coverage.

- ++ Spread out the attorney/judge work load more evenly
- + No judge shopping
- + Less travel cost for most
- + Less time police are off the street
- + Quicker processing
- Need to arrange facility
- Cases from outlying areas, more travel
- Might need a statutory change

ISSUES WE PROBABLY SHOULD DROP:

Close all Village Courts and let the respective towns absorb the load.

- + Villages would save some money
- Town would have to absorb the cost
- No net savings
- Village loses all control
- GGG loses his job!

Remove one of the two justices in each town and have the remaining justice do all the work.

- + Might save a little money
- Remaining justice gets double workload
- No money saved if remaining justice demands other justice's salary
- Lose ready access to a back up justice
- Could limit flexibility in court scheduling

Require all town/village justices to be attorneys.

- ++ All things being equal, attorney judge is preferred
- + Less training required
- But things are never equal!
- Many lay-judges are better than attorney-judges
- Lose a large pool of qualified candidates
- Attorneys already have an advantage in being elected over a non-lawyer
- Some areas have no well qualified attorney judges
- Requires change of NY Constitution
- Attorney judges have higher proportion of ethical problems
- Politically this issue is toxic

Abolish town/village courts and replace with a District Court to cover everything that town and village courts cover now.

- ++ Simpler
- + Probably more uniform
- + More attractive to finding attorney-judges
- ++ State would pay for it (initially)
- Much more expensive than T/V courts
- Lose local control
- Farther for defendants to travel
- More bureaucratic
- State control
- May not work, e.g. who would do after hour arraignments?
- Party politics will intervene because judge positions seen as attractive political plums
- Politically this issue is even more toxic

Create a district court for misdemeanors and let the town and village courts deal only with infractions and small claims.

- + Allows attorney judges do more complex cases
- + State pays for some of this
- Costs are even higher
- Not simple at all
- Farther for defendants to travel
- Bureaucratic
- State control
- Politically this issue is toxic