

FIGURE 9-1

# HOW IT WORKS

## State Court Structure in Illinois and New York

At a glance, it's easy to see why New York State's court system has been called Byzantine—just compare it with Illinois's (left). Although it encompasses 23 circuits with more than 850 justices, Illinois's single trial court system (its general jurisdiction courts) looks like a model of clarity and simplicity compared with New York's 10 different trial courts (the courts of general and limited jurisdiction). But the differences run deeper than what a simple organizational chart can reveal. New York's 300-year-old town and village justice court system, in particular, has been subject to loud and persistent criticism for cronyism, corruption, fiscal mismanagement, and plain old inefficiency. According to *New York Times* reporter William Glaberson, "the [town and village justice] courts have survived in part because the justices—most of them not even lawyers—have longstanding and deep ties to the upstate political system, and because of the substantial cost of replacing them with more professional courts."<sup>a</sup> With 2,300 justices involved at that level, this would indeed be a tall order.

What can be done? In 2006, New York's former chief judge Judith S. Kaye, the state's top advocate for court reform, recommended changes "across four broad areas: court operations and administration; auditing and financial control; education and training; and facility security and public protection."<sup>b</sup> A few of these proposed changes could be implemented right away, including requiring word-for-word records of court proceedings—a bona fide court transcript—to ensure fairness and the purchasing of recording equipment to make that possible. Other changes would require more sweeping institutional modifications. Judge Kaye called for state funds to help support the town and village justice courts, which are currently funded and operated locally. This change would require legislative approval. Her most aggressive recommendation—to simplify the trial court structure itself into a more common two-tiered organization—would require an amendment to the state's constitution. Legislators received the proposals coolly. A commission on state court reform backed some of Kaye's ideas in 2008 with its suggestion that the state eliminate as many as 500 of the justice courts, but New York had not instituted the changes by early 2010.<sup>c</sup>

### Illinois's State Court Structure

