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## Lippman Says Stresses on System Call for New, Creative Approach

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Chief Judge Lippman  
NYLJ Photo/Rick Kopstein

ALBANY - Adopting new approaches to alleviating unprecedented stresses on New York courts since the economy took a nosedive will be a top priority for the judiciary over the next year, Chief Judge Jonathan Lippman said yesterday in his first [State of the Judiciary message](#).

Judge Lippman said he wanted to give people an idea of how the court system, with the same resources, is handling an "avalanche of additional cases coming out of the economic recession."

The system is "finding creative ways to meet the statutory mandates, to meet the anguish, that the average New Yorker is going through," he said in an interview yesterday after releasing his 2010 message.

He used as one example methods of expediting foreclosure cases while protecting homeowners' interests in Queens and Suffolk Counties. He said those methods would be extended to other areas to cope with foreclosure filings that have more than doubled during the past five years.

In Suffolk County, non-judicial employees attend pre-foreclosure conferences to let homeowners know what information they need during mandated foreclosure conferences, and limited legal representation is arranged through the county bar association and Touro Law School for homeowners at negotiations with lenders.

"Thanks to this extraordinary volunteer effort, no Suffolk homeowner needs to appear for settlement discussions without the benefit of legal advice," the chief judge wrote in his message. "I am happy to report that early evaluation of these efforts shows that homeowners and lenders are increasingly reaching mutually agreeable settlements that allow homeowners to remain in their homes."

Earlier this month, the Office of Court Administration announced the distribution of \$392,000 to eight organizations in the New York City region to help them manage voluntary attorneys to provide pro bono service in eviction and foreclosure cases ([NYLJ, April 21](#)).

Similarly, Judge Lippman lauded a program in Brooklyn Family Court that identifies appropriate child custody and visitation cases for settlement in mediation. The chief judge said Family Court filings reached a record high of nearly 750,000 last year statewide, with filings related to family violence increasing 30 percent in the last two years.

Family Courts in Monroe and Ontario counties also now screen cases for their mediation potential, which often takes half the time as resolving a matter in court, Judge Lippman said.

"Based on these successes, we are expanding this early screening model to other counties, offering children and families the opportunity to resolve these difficult disputes early, while, at the same time, freeing the courts for other matters," according to Judge Lippman's message.

Other successes on which the courts plan to build are a civil term of Supreme Court in the Bronx and Manhattan dedicated to medical malpractice matters; staggering hours for court officers and other employees to expedite criminal indictments, and an effort in Bronx Family Court to give more unrepresented parties access to attorneys.

The effort to expedite criminal matters will be expanded from the Bronx and Queens to Brooklyn and Manhattan. And there are plans to use the Bronx Family Court template citywide.

Judge Lippman said court administrators are studying caseloads and stresses on the courts to determine where to try to replicate successful programs.

"We're taking it around the state, the creative, different approaches to dealing with these new problems," he said in the interview.

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### Cost-Cutting Measures

Judge Lippman said in his message that the judiciary has taken "stringent" measures to hold down costs. The non-judicial work force has been cut by 300 out of about 16,000 and tight controls have been placed on overtime, travel and equipment purchases.

The judiciary was criticized by Governor David A. Paterson when it introduced a proposed judicial budget of \$2.7 billion for the 2010-11 fiscal year which was \$183 million higher than in the current year. Judge Lippman insisted in his address yesterday that virtually all of the increase would go to salary and benefit increases mandated by contracts.

The chief judge, who took office in February 2009, said he was departing from the usual custom of his predecessors by releasing a copy of his 18-page State of the State message in April instead of delivering it at the Court of Appeals in February in Albany.

Judge Lippman said the traditional February date to discuss the state of the judiciary and judges' lack of a pay raise would not have worked in 2010 because he was the plaintiff in one of three suits filed by judges seeking higher pay for the judiciary.

With Judge Lippman taking no part, the Court of Appeals ruled 5-1 that the judicial pay raises had been unconstitutionally linked for more than a decade with discussion and passage of other legislative issues at the Capitol. However, the Court did not order a pay hike ([NYLJ, Feb. 24](#)).

Judge Lippman yesterday said he would not discuss the judicial pay suits other than to say the need for raising judges' pay is more acute now than ever, despite huge state budget gaps and generally poor revenue collections.

"If this unconscionable situation continues in its downward spiral, it will inevitably lead to a sub-par Judiciary that would be alien to the hallowed history of New York and its Judicial Branch," Judge Lippman said in his message.

According to the chief judge, members of the judiciary have never worked harder trying to stay ahead of caseloads that are gaining in number and complexity.

Judge Lippman did not deliver a state of the judiciary message in 2009, though he did talk to judges via an Internet hookup about his efforts to win a pay increase for judges.

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