

## ***Report of Findings***

### **Part 7**

#### **Statewide Survey of JUDGES and JUSTICES in the New York State Unified Court System**

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## Section I Introduction

### **Background:**

The statewide Survey of the New York State Unified Court System's Judges and Justices is one of six exploratory studies conducted under the auspices of the *Legal Services Initiative's* four-member Partnership. The purpose of the six surveys is to gather information about the delivery of civil legal services in New York State, with specific emphasis on three population groups: older adults aged 60 and older; individuals of all ages with physical, mental, developmental, or intellectual disabilities; and the informal, unpaid caregivers of these population groups.

Findings from the exploratory surveys will provide information for the *Initiative's* Think Group to: (1) better understand the limitations and barriers in legal services that have an impact on the availability, affordability, and accessibility of legal assistance for the three population groups, and (2) to suggest strategies, actions, and recommendations for addressing these limitations and barriers.

The specific intent of the survey of the Unified Court System is to gather a picture of the judicial experiences of New York's Judges and Justices in serving members of the *Initiative's* three targeted population groups, as well as the environment in which their judicial duties are carried out. The survey was implemented in June – August of 2014, and respondents' answers provide information for the 12-month period, January 1, 2013, through December 31, 2013.

### **Methodology:**

The survey instrument was constructed by the NY State Office for the Aging (NYSOFA) and the New York State Office of Court Administration (OCA). It was converted to a Survey Monkey Web-based application by NYSOFA, for on-line completion by respondents.

OCA estimated that there are approximately 800 Judges and Justices in the Unified Court System. OCA contacted these individuals and provided them with descriptive materials describing the *Legal Services Initiative* and the survey project, a Statement of Assurances for survey participants, and the link to the on-line survey form.

Respondents submitted 461 surveys. The margin of error for a sample of 461 is +/- 2.97 percentage points with a 95% confidence level.

The survey Questionnaire includes a large number of qualitative questions. The time involved in completing qualitative survey items resulted in a number of respondents submitting uncompleted qualitative questions. For these questions, caution must be exercised in judging representativeness of the findings.

**Presentation of survey findings:** Frequencies and cross-tabs are used for reporting and comparing variables.

- Findings are presented in charts and tables.

- Analysis and comparison of some findings is by two geographic areas of the State: (1) the five counties of New York City, and (2) the 57 counties in the Rest of the State. The remainder provide statewide findings.
- Most findings are presented in *proportions* (%) rather than *numbers* in order to provide meaningful comparisons among subsets of variables that vary greatly in number-size.

**Context for reviewing the survey's findings:**

According to *The New York State Courts: An Introductory Guide*,<sup>1</sup> New York's Unified Court System handles approximately four million cases each year, involving almost every type of issue/problem facing all types of litigants. In addition to the State's structure of courts, which hear both civil and criminal cases, various resources are available through the court system for the public, including:

- For those without a lawyer:
  - CourtHelp, an online resource for assistance ([www.nycourthelp.gov](http://www.nycourthelp.gov))
  - Court Help Centers
  - DIY (Do It Yourself) form programs
- Assigned Counsel Program, for those who cannot afford to hire legal counsel
- An ADA (Americans with Disabilities Act) liaison is available at each court location to assist with requests for accommodations
- Alternative Dispute Resolution programs
- A directory of attorneys in NY State
- Attorney Disciplinary Program
- Attorney for the Child Program
- Case Information and Tracking ([ecourts@nycourts.gov](mailto:ecourts@nycourts.gov))
- Children's Centers
- Court interpreting services
- Criminal History Search
- Divorce Resources
- Domestic Violence Resources
- Fiduciaries
- Juror Website and Hotline
- Lay Guardian Assistance Program
- Legal Research Assistance for the Public
- Parent Education and Awareness Program
- To make a comment, suggestion, or file a complaint about a court employee or a Judge: [question@nycourts.gov](mailto:question@nycourts.gov)

The *Legal Services Initiative* focuses only on *civil* legal matters. The civil court structure of New York's Unified Court System consists of the following courts:

- |                       |  |
|-----------------------|--|
| • Court of Appeals    | • Surrogate's Courts                                     |
| • Appellate Divisions | • Family Court   |
| • Supreme Courts      | • Court of Claims  |
| • County Courts       | • District Courts  |
| • City Courts         | • NY City Civil Courts—Housing Court; Small Claims Court |

The State's Unified Court System is divided into 13 Judicial Districts and four Judicial Departments. The counties comprising each of the four Departments are listed below.

<b>New York State Unified Court System Four Departments 62 Counties</b>			
<b>First Department:</b> New York (Manhattan) The Bronx	<b>Third Department:</b> Albany Broome Chemung Chenango Clinton Columbia Cortland Delaware Essex	Franklin Fulton Greene Hamilton Madison Montgomery Otsego Rensselaer Saratoga	Schenectady Schoharie Schuyler St. Lawrence Sullivan Tioga Tompkins Ulster Warren Washington
<b>Second Department:</b> Dutchess Kings (Brooklyn) Nassau Orange Putnam Queens Richmond (Staten Island) Rockland Suffolk Westchester	<b>Fourth Department:</b> Allegany Cattaraugus Cayuga Chautauqua Erie Genesee Herkimer Jefferson Lewis Livingston Monroe	Niagara Oneida Onondaga Ontario Orleans Oswego Seneca Steuben Wayne Wyoming Yates	

<sup>1</sup> Jonathan Lippman and A. Gail Prudenti (January, 2014), *The New York State Courts: An Introductory Guide*, New York, NY: New York State Office of Court Administration. <http://www.nycourts.gov/Admin/NYCourts-IntroGuide.pdf>

**Section II  
Key Findings**

For on-line implementation of the Survey of the Judges and Justices, the NY State Office of Court Administration estimated that there are 800 Judges and Justices in the State's Unified Court System, and 461 respondents submitted Questionnaires (235 from the five counties of New York City and 226 from the 57 counties outside of New York City).

Detailed analysis of survey findings is provided in Sections III – X. Following are key findings taken from the detailed analysis:

- Trends in the number of types of litigants appearing in the Court System during respondents' total tenure in the Court System: respondents generally feel that the number of older adult litigants and those with physical, mental, developmental, and intellectual disabilities have stayed the same; the greater portion of respondents "do not know" if the number of caregiver litigants has changed over their tenure.

- Type of litigants—average proportion of respondent's total civil proceedings during the 12-month survey period:
  - Older adults: average of 16% of respondent's total cases.
  - Litigants with disabilities: average of 10% of total cases.
  - Caregiver litigants: average of 6% of total cases.
  - Litigants with limited or no English-speaking ability: average of 16% of respondent's total cases.
  - Race/ethnicity:
    - For NY City respondents, an average of 32% of respondent's cases are White Non-Hispanic, and an average of 68% of cases involve litigants who are members of a minority racial/ethnic group.
    - For Rest of State respondents, an average of 66% of respondent's cases are White Non-Hispanic, and an average of 34% of cases involve litigants who are members of a minority racial/ethnic group.
- 223 NY City respondents and 158 Rest of State respondents reported on whether resources available to accommodate individuals with limited or no English-speaking ability are "sufficient" to assist those individuals:
  - NY City: 50% reported that they are not sufficient, and 43% reported that they are sufficient.
  - Rest of State: 33% reported that they are not sufficient, and 62% reported that they are sufficient.
- For six population groups, between 358 – 373 respondents reported on the proportion of litigants who understand court system procedures, protocols, terminology, and decisions "not very well" or "not well at all":
  - Older adult litigants: 31% understand "not very well" or "not well at all."
  - Litigants with Alzheimer's Disease or other dementia: 45%.
  - Litigants with physical disabilities: 22%.
  - Litigants with mental health disabilities: 60%.
  - Litigants with developmental or intellectual disabilities: 58%.
  - Caregiver litigants: 18%.
- Accessibility for older adults and for people with disabilities:
  - Exterior grounds:
    - NY City respondents: 19% stated that the exterior grounds of the courthouse are "very easy" to navigate/negotiate by older adults and people with disabilities, and a total of 74% feel that they are "somewhat easy," "not very easy," or "not easy at all."
    - Rest of State respondents: 33% stated that the exterior grounds are "very easy" to navigate/negotiate, and a total of 65% feel that they are "somewhat easy," "not very easy," or "not easy at all."
  - Courtroom entrance:
    - NY City respondents: 21% stated that the courtroom's entrance is "very easy" to navigate/negotiate by older adults and people with disabilities, and a total of 72% feel that the entrance is "somewhat easy," "not very easy," or "not easy at all."
    - Rest of State respondents: 34% stated that the courtroom entrance is "very easy" to navigate/negotiate, and a total of 63% feel that the entrance is "somewhat easy," "not very easy," or "not easy at all."

- Courtroom building's interior:
  - NY City respondents: 18% stated that the courtroom's interior environment is "very easy" to navigate/negotiate by older adults and people with disabilities, and a total of 74% feel that the courtroom's interior is "somewhat easy," "not very easy," or "not easy at all."
  - Rest of State respondents: 36% stated that the courtroom's interior environment is "very easy" to navigate/negotiate, and a total of 61% feel that the interior is "somewhat easy," "not very easy," or "not easy at all."
- Do-it-yourself forms, Web-based resources, Web-based language translation, interactive documents, self-help centers, and other technology:
  - 6% feel that these resources are "very easy" for Older Adults, and 59% feel they are "somewhat easy," "somewhat difficult," or "very difficult."
  - 9% feel that these resources are "very easy" for Litigants with Physical Limitations, and 47% feel they are "somewhat easy," "somewhat difficult," or "very difficult."
  - 4% feel that these resources are "very easy" for Litigants with Mental Health or Cognitive Limitations, and 51% feel they are "somewhat easy," "somewhat difficult," or "very difficult."
  - Substantial proportions of respondents (35%, 44%, 45%) "do not know" how easy or difficult these resources are for the three population groups.
- Appearing in court pro se: Proportion of respondents who reported that litigants appeared in court without the benefit of legal representation (pro se) "often," "very often," "almost always," or "always":
  - Older adults: 44% of NY City respondents; 28% of Rest of State respondents.
  - Physical disabilities: 35% of NY City respondents; 25% of Rest of State respondents.
  - Mental health disabilities: 33% of NY City respondents; 23% of Rest of State respondents.
  - Developmental or intellectual disabilities: 32% of NY City respondents; 23% of Rest of State respondents.
  - Caregivers: 27% of NY City respondents; 22% of Rest of State respondents.
- The main reason litigants appear in court pro se is related to affordability issues.
- The major impacts of litigants appearing without legal counsel:
  - The quality of the proceeding is affected negatively.
  - The outcome of the proceeding is affected negatively.
  - The litigant's understanding of the proceedings and the implications of the decisions is much less.
- The knowledge level of three Court System groups (Judges, non-Judicial attorneys, and non-Judicial/non-attorney court staff) regarding older adults and the aging process, individuals with physical disabilities, people with mental health issues, people with developmental or intellectual disabilities, and caregivers:
  - Respondents' ratings of the three Court System groups' knowledge level are not congregated in any one rating category, but are distributed across three categories ("very knowledgeable," "fairly knowledgeable," "slightly or not knowledgeable"), as well as "do not know."
  - Larger proportions of respondents rated judges and non-judicial attorneys as "fairly knowledgeable" about older adults, physical disabilities, mental health disabilities, and

developmental/intellectual disabilities, but "slightly knowledgeable or not knowledgeable" about caregivers.

- Non-judicial staff who are not attorneys are mainly rated as "fairly knowledgeable" about older adults and physical disabilities, but are mainly rated as "slightly knowledgeable or not knowledgeable" about mental health disabilities, developmental/intellectual disabilities, and caregivers.

**Section III  
Respondent—Characteristics**

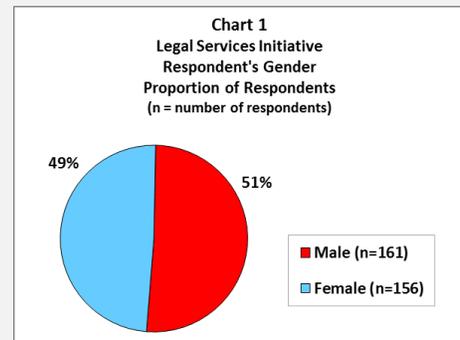
**Respondent—age:** 279 survey respondents (61% of all 461 respondents) reported their birth year. Their ages ranged from 34 – 91, with a median and average age of 58.

**Respondent—gender:** 317 respondents reported their gender.

- Chart 1 shows that 51% are male, and 49% are female.

According to the American Bar Association's national statistics,<sup>1</sup> 73% of state court Judges in the U. S. are men and 27% are women.

<sup>1</sup>American Bar Association Commission on Women in the Profession (July, 2014), *A Current Glance at Women in the Law*, "2012 Representation of U.S. State Court Women Judges: All State Court Judges in the United States," Chicago, IL: American Bar Association.



**Respondent—race/ethnicity:** A total of 313 respondents chose from among seven racial/ethnic options in the survey Questionnaire.

- Table 1 shows that 64% of New York City respondents are White-Non Hispanic, with a total of 28% identifying as Black Non-Hispanic, Hispanic, or Asian.
- In the 57 counties in the Rest of the State, almost all (95.3%) respondents are White Non-Hispanic.

**Table 1**  
**Legal Services Initiative**  
**Respondents' Race / Ethnicity**  
**Proportion of Respondents: NY City; Rest of State**

Race/Ethnicity	New York City: Proportion of 186 Respondents	Rest of State: Proportion of 127 Respondents
White Non-Hispanic	64%	95.3%
Black Non-Hispanic	15%	2.4%
Hispanic	10%	0
Asian	3%	0
Native American	0	0
Mixed Race	2%	.8%
Other	2%	.8%
Do Not Know	4%	.8%

The American Bar Association reports that 16% of New York State's Judges are members of one or more minority population.<sup>2</sup>

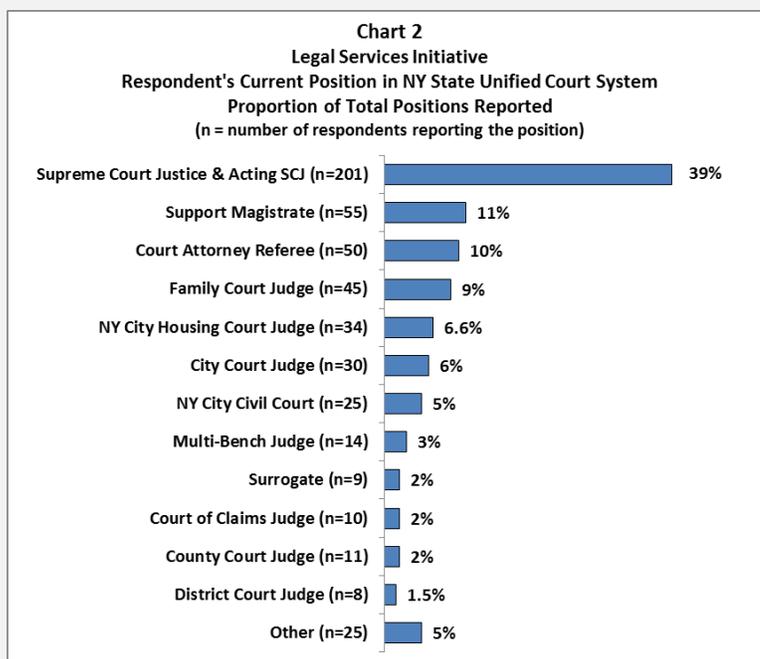
<sup>2</sup> American Bar Association Standing Committee on Judicial Independence (June, 2010), *National Database on Judicial Diversity in State Courts*, "Frequently Asked Questions: In Each State, What is the Percentage of Minority Judges by Race/Ethnicity," Chicago IL: American Bar Association.  
<http://apps.americanbar.org/abanet/jd/display/national.cfm>

**Respondent—number of years working in the NY State Judiciary:** 273 of the 461 respondents reported the number of years they have worked (including all positions) in the NY State Unified Court System.

- Time worked in the Judiciary ranged from 1 – 42 years, with a median tenure of 15 years (median: half the respondents worked fewer than 15 years, and half worked more than 15 years).

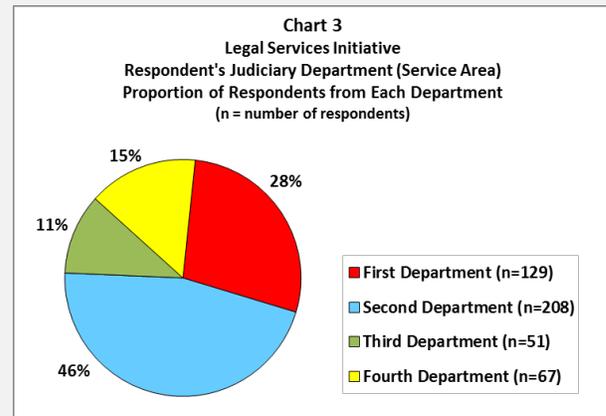
**Respondent—current position in the NY State Unified Court System:** The survey listed 14 options from which the 461 respondents reported their current position in the Court System. A total of 517 positions were reported, as some of the respondents reported holding multiple positions in the Court System.

- Chart 2 shows that a diversity of Court System positions is represented in the survey. The greatest proportion (39%) of positions held by respondents is Supreme Court Justice (including Acting Supreme Court Justice).
- 25 "Other" positions held by respondents include Judicial Hearing Officer, Principal/Senior Court Attorney, Associate Court Attorney, Law Clerk, Chief/Principal Law Clerk, Town Court Justice/Judge, Secretary to the Judge, Confidential Law Secretary, Mediator, Administrative Judge, and Appellate Term.

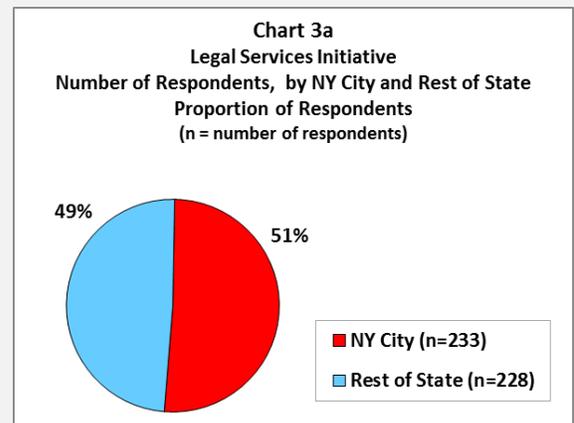


**Respondent—Judicial Department (service area):** Five respondents did not report their Judicial Department, and one respondent reported that his position covers all counties in the State.

- For the 455 respondents reporting their Department, Chart 3 shows that the greater proportion comes from the Second Judicial Department (46%) and the First Judicial Department (28%). A chart on page 215 shows that the First and Second Departments include the five boroughs of New York City, the two counties on Long Island, and five counties in the lower Hudson Valley, which are all high population areas in the State.



- Chart 3a shows that the number of survey respondents is evenly divided between the five counties of New York City (50.5%) and the 57 counties that make up the Rest of the State (49.5%).



**Section IV**  
**Litigants / Proceedings**

**Litigant—type:**

**Older adult, disability, caregiver:** For the 12-month survey time period, respondents were asked to estimate the proportion of their civil proceedings that involved litigants who were: aged 60 and older; non-elderly with a physical, mental, developmental, or intellectual disability; and the informal, unpaid caregivers of individuals who are frail, disabled, chronically ill, incapacitated, or elderly.

Approximately half of the 461 total respondents were able to provide this information. In comparing individual respondents, the proportion of each respondent's total cases that involved the three population groups varied substantially:

**Older adult litigants** (n=229 respondents):

- The proportion of each respondent's civil cases involving older adult litigants ranged from 0% of total cases for 5 respondents, to 98% of total cases for 1 respondent.
- Among the 229 respondents, the *average* proportion was 16% of total cases.
- For 34% (79) of respondents, the proportion of cases involving older adults was less than 10%.
- For 3% (8) of respondents, the proportion of cases involving older adults was 50% or more.

**Non-elderly litigants with disabilities (physical, mental, developmental and/or intellectual)** (n=226 respondents):

- The proportion of each respondent's civil cases involving non-elderly litigants with disabilities ranged from 0% of total cases for 25 respondents, to 85% of total cases for 1 respondent.
- Among the 226 respondents, the *average* proportion was 10% of total cases.
- For 64% (144) of respondents, the proportion of cases involving non-elderly litigants with disabilities was less than 10%.
- For 3% (7) of respondents, the proportion of cases involving non-elderly litigants with disabilities was 50% or more.

**Informal caregiver litigants** (n=232 respondents):

- The proportion of each respondent's civil cases involving caregiver litigants ranged from 0% of total cases for 91 respondents, to 98% of total cases for 1 respondent.
- Among the 232 respondents, the *average* proportion was 6% of total cases.
- For 88% (203) of respondents, the proportion of cases involving caregiver litigants was less than 10%.
- For 1% (2) of respondents, the proportion of cases involving caregiver litigants was 50% or more.

**English-speaking ability:** For the 12-month survey time period, respondents were asked to estimate the proportion of their civil proceedings that involved litigants (all ages) who had limited or no English-speaking ability.

229 of the 461 total respondents were able to provide this information. In comparing individual respondents, the proportion of each respondent's total cases involving litigants with limited or no English-speaking ability varied substantially:

**Litigants with limited or no English-speaking ability** (n=229 respondents reporting this information):

- The proportion of each respondent's civil cases involving these litigants ranged from 0% of total cases for 22 respondents, to 80% of total cases for 2 respondents.
- Among the 229 respondents, the *average* proportion was 16% of total cases.
- For 38% (86) of respondents, the proportion of cases involving litigants with limited or no English-speaking ability was less than 10%.
- For 3% (8) of respondents, the proportion of cases involving these litigants was 50% or more.

**New York City—litigants with limited or no English-speaking ability** (n=137 respondents):

- The proportion of each respondent's civil cases involving these litigants ranged from 0% of total cases for 4 respondents, to 80% of total cases for 1 respondent.
- Among the 137 respondents in New York City, the *average* proportion was 20% of total cases.
- For 19% (26) of respondents, the proportion of cases involving litigants with limited or no English-speaking ability was less than 10%.
- For 4% (5) of respondents, the proportion of cases involving these litigants was 50% or more.

**Rest of State—litigants with limited or no English-speaking ability** (n=92 respondents):

- The proportion of each respondent's civil cases involving these litigants ranged from 0% of total cases for 17 respondents, to 80% of total cases for 3 respondents.
- Among the 92 respondents in the Rest of the State, the *average* proportion was 9% of total cases.
- For 18% (17) of respondents, the proportion of cases involving litigants with limited or no English-speaking ability was less than 10%.
- For 3% (3) of respondents, the proportion of cases involving these litigants was 50% or more.

As a comparison, the Census Bureau<sup>3</sup> reports that 13.4% of New York State's population "Speaks English Less Than Very Well."

Among the 57 counties in the Rest of the State, the Bureau further reports<sup>4</sup> that between 2%-8% of the population in 19 counties, 1% of the population in 10 counties, and less than 1% of the population in 28 counties speaks English less than very well. For the five counties of New York City,<sup>5</sup> the Bureau reports that 23.4% of the City's population speaks English less than very well.

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<sup>3</sup> American FactFinder, *2008-2012 American Community Survey 5-Year Estimates*, "Languages Spoken at Home" (Table S1601), Washington, DC: U. S. Census Bureau.

<sup>4</sup> Ibid, Table S1602.

<sup>5</sup> American FactFinder, *2010 American Community Survey 1-Year Estimates*, "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" (Table B16001), Washington, DC: U. S. Census Bureau.

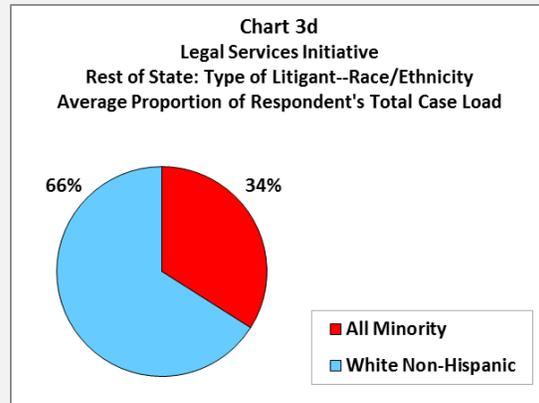
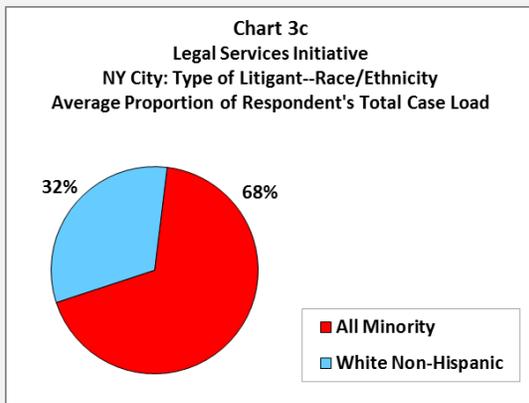
**Race/ethnicity:** Respondents answered the question, "For the civil case proceedings that came before you, estimate the proportion in which one or more of the litigants was: White-Non-Hispanic, Black Non-Hispanic, Hispanic, or Other Race/Ethnicity." 54 respondents reported that they Do Not Know or cannot estimate this characteristic as they do not track this information.

Among the 461 survey respondents, between 200 – 229 reported the proportion of each racial/ethnic group in their total case loads.

- In comparing individual respondents, Table 4 (Column 3) shows that the proportion of each respondent's total cases that involved various racial/ethnic groups varied (ranged) substantially.

<b>Table 4</b> <b>Type of Litigant—Race/Ethnicity</b> <b>Proportion of Respondent's Total Civil Proceedings</b> <b>(n = number of respondents Reporting Each Race/Ethnic Group)</b>		
Litigant Type	Average Proportion of Total Civil Proceedings	Range: Proportion of Total Civil Proceedings
White Non-Hispanic (n=229)	46%	0% - 100%
Black Non-Hispanic (n=229)	27%	0% - 80%
Hispanic (n=228)	22%	0% - 75%
Other Race/Ethnicity (n=200)	8%	0% - 50%

- Statewide, among the respondents who reported litigants' race/ethnicity, Table 4 shows that, *on average*, fewer than half (46%) of litigants were White Non-Hispanic, and more than half (27%, 22%, and 8%) were members of various minority groups.
- Charts 3c and 3d compare litigants' race/ethnicity in New York City and in the Rest of the State. The average proportion of minority-status litigants in New York City (68%) is twice the average proportion of minority-status litigants in counties in the Rest of the State (34%).



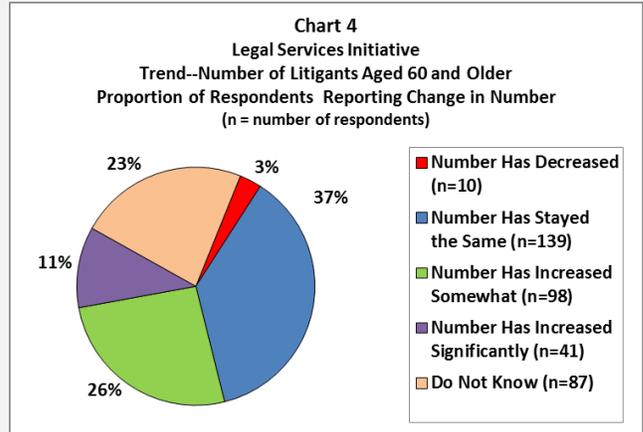
**Trends in number of litigants:**

Respondents were asked whether, over their entire career in the NY State Judiciary, they felt that various types of litigants entering the State’s court system had increased, decreased, or stayed the same.

- Among six population groups, Charts 4 – 9 show that large proportions of respondents report that they "do not know" the trends for these groups.

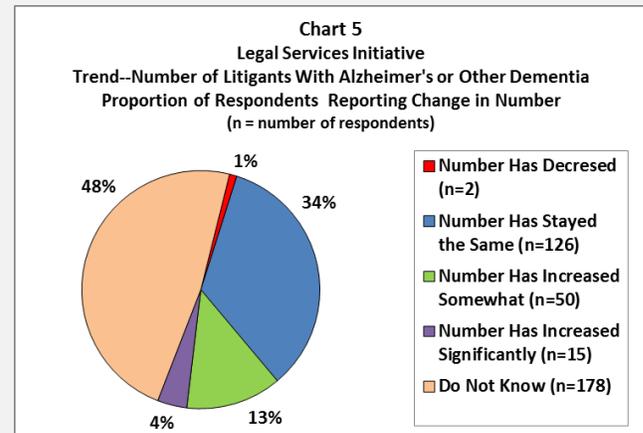
**Litigants aged 60 and older:**

- Chart 4 shows that the greater proportion (37%) of 375 respondents feels that the number of older adult litigants entering the State’s court system has stayed about the same.
- 37% feels that the number has increased somewhat (26%) or significantly (11%).



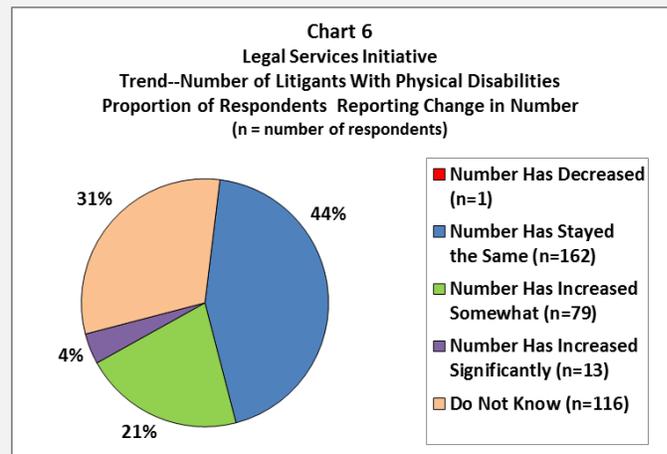
**Litigants with Alzheimer’s Disease or other dementia:**

- As shown in Chart 5, the greater proportion (48%) of 371 respondents reported that they do not know the trend in litigants with Alzheimer’s Disease or other dementia.
- 34% reported feeling that the number entering the court system has stayed about the same.



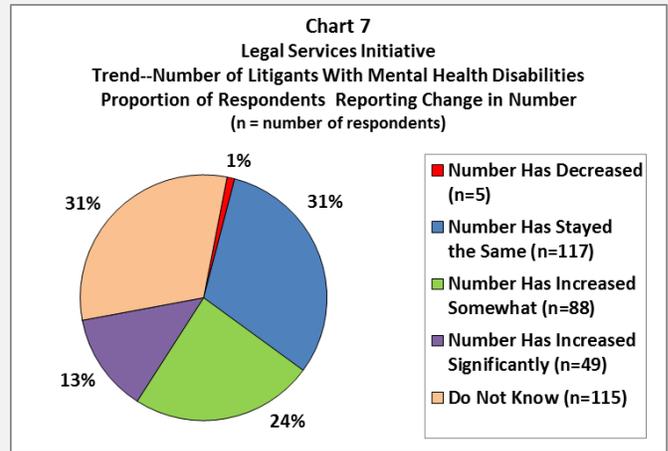
**Litigants with physical disabilities:**

- Chart 6 shows that the greater proportion (44%) of 371 respondents feels that the number of litigants with physical disabilities has stayed about the same.
- A quarter (25%) believes the number has increased somewhat or significantly.



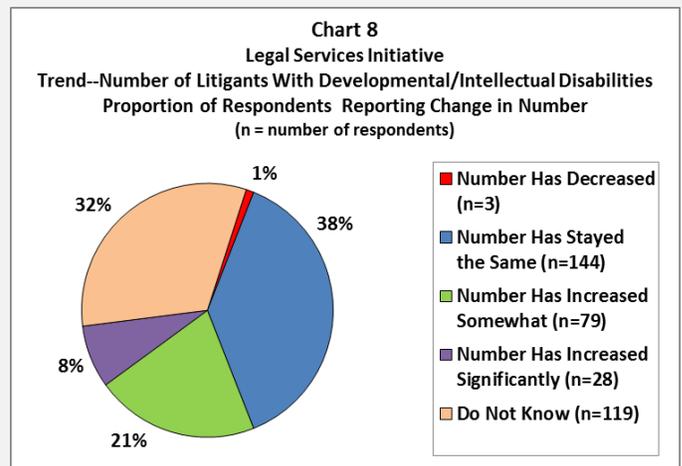
**Litigants with mental health disabilities:**

- Chart 7 shows that the greatest proportion (total: 37%) of 374 respondents feels that the number of litigants with mental health disabilities has increased somewhat (24%) or significantly (13%), while 31% feels the number has stayed about the same.



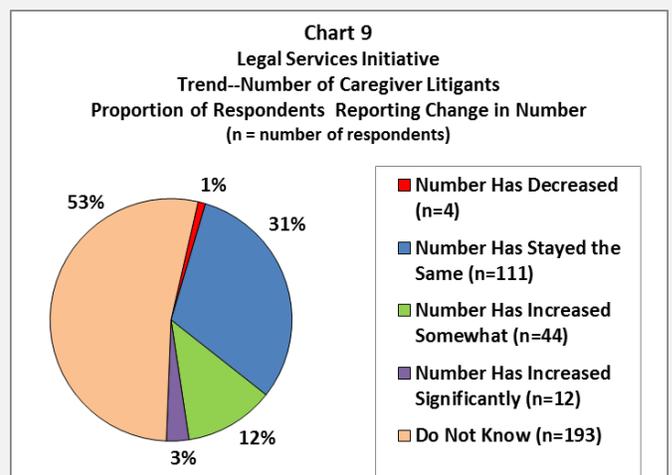
**Litigants with developmental and/or intellectual disabilities:**

- In Chart 8, the greatest proportion (38%) of 373 respondents feels that the number of litigants with developmental and/or intellectual disabilities entering the court system has stayed about the same.
- More than a quarter of respondents (29%) feels that this group of litigants has increased somewhat (21%) or significantly (8%).



**Litigants with cases related to their caregiver responsibilities:**

- Chart 9 shows that more than half (53%) of 364 respondents reported that they do not know if litigants entering the court system because of caregiver issues has increased or decreased.
- 31% of respondents feel that the number of caregiver litigants has stayed about the same.



**Section V**  
**Litigant's Interactions with the Court System**

**Understanding the court system:**

The ability to comprehend and participate meaningfully in the courtroom process is a critical element in achieving "fair and just outcomes." Tables 5, 6, and 7 pertain to litigants' ability to interact meaningfully with the courtroom process and with court personnel.

**Litigant's understanding of the court and the process:** Respondents were asked to report their opinion of, "How well do civil litigants understand courtroom procedures, protocols, terminology, court decisions, and what is expected of them when appearing in court."

Major goals of the *Legal Services Initiative* are "increasing Judiciary members' understanding of the traits and characteristics of the various litigant groups, and improving communication between Judiciary members and these litigants."

- For the purposes of the *Initiative*, attention can be called to the substantial proportions of respondents in Table 5 who report that they "do not know" how well these groups understand the court and its processes.
- Among the six litigant groups in Table 5, a majority (53%; 54%) of respondents feels that older adults and litigants with physical disabilities understand the courtroom process "very well" or "well."
- However, 31% of respondents believes older adults understand the courtroom process "not very well" or "not well at all"; and 22% believes litigants with physical disabilities understand the process "not very well" or "not well at all."
- 60%, 58%, and 45% of respondents believe that people with mental health disabilities, developmental/intellectual disabilities, and Alzheimer's/Dementia understand aspects of the courtroom "not very well" or "not well at all."

**Table 5**  
**How Well Litigants Understand Court System Procedures, Protocols, Terminology, Decisions, and Expectations**  
**Proportion of Respondents Rating Each Group's Level of Understanding**  
 (n = number of respondents)

Litigant Group	Proportion of Respondents Who Rated Litigants' Level of Understanding		
	Very Well or Well	Not Very Well or Not Well At All	Do Not Know
Aged 60 and Older (n=373)	53%	31%	16%
With Alzheimer's/Other Dementia (n=367)	3%	45%	52%
Non-Elderly with Physical Disabilities (n=365)	54%	22%	24%

<b>Non-Elderly with Mental Health Disabilities (n=368)</b>	<b>10%</b>	<b>60%</b>	<b>30%</b>
<b>Non-Elderly with Developmental or Intellectual Disabilities (n=369)</b>	<b>10%</b>	<b>58%</b>	<b>32%</b>
<b>Caregivers (358)</b>	<b>30%</b>	<b>18%</b>	<b>52%</b>

**Litigant's ability to participate in proceedings in a meaningful way:** For six litigant types, respondents were asked to estimate the proportion of proceedings in which they formally or informally ordered an evaluation—or had to make a determination—of the litigant's ability to comprehend court protocols and decisions or the litigant's ability to participate in the proceedings in a meaningful way.

- Table 6 shows that the likelihood of a respondent's taking steps to determine ability or comprehension was greatest for litigants with mental health disabilities (63% of respondents determined ability for "some" of their litigants) and litigants with developmental and/or intellectual disabilities (58% of respondents).
- Further analysis showed no consistent pattern among respondents regarding a propensity to take steps to determine ability, as the span of "proportions of litigants" for all six types extended from 0% to 100%.
- For respondents who took steps to determine litigants' comprehension ability, Table 6 (Column 4) shows that the *average* proportion of each litigant type for which they took these steps is modest (4% - 10% of a respondent's proceedings involving the six litigant types).

Further study is needed to clarify *why* respondents did or did not feel the need to order evaluations or determine litigants' ability to adequately comprehend or participate in proceedings—for example, the extent to which respondents felt no need because litigants were adequately represented by counsel or an advocate, or because litigants gave no evidence of being unable to comprehend, or because respondents were unable to perceive that litigants were unable to comprehend.

<b>Table 6</b> <b>Respondent Ordered an Evaluation or Had to Make a Determination of Litigant's Ability to Comprehend and Participate Meaningfully in Proceedings</b> <b>Proportion of Respondents</b> (n = number of respondents answering the question)			
Litigant Group	Proportion of Respondents That Ordered Evaluation or Determined Litigant's Ability:		Average Proportion of Litigant Group for Which Respondent Had to Determine Litigant's Ability
	for NONE of Their Proceedings Involving the Litigant Type	for SOME of Their Proceedings (1% - 100% of Litigant Type)	
<b>Aged 60 and Older (n=217)</b>	<b>59%</b>	<b>41%</b>	<b>8.5%</b>
<b>With Alzheimer's/Other Dementia (n=217)</b>	<b>56%</b>	<b>44%</b>	<b>10%</b>

<b>Non-Elderly with Physical Disabilities (n=211)</b>	<b>53%</b>	<b>47%</b>	<b>5.5%</b>
<b>Non-Elderly with Mental Health Disabilities (n=215)</b>	<b>37%</b>	<b>63%</b>	<b>9%</b>
<b>Non-Elderly with Developmental or Intellectual Disabilities (n=208)</b>	<b>42%</b>	<b>58%</b>	<b>9%</b>
<b>Caregivers (n=197)</b>	<b>71%</b>	<b>29%</b>	<b>4%</b>

**Steps respondents take when a litigant’s comprehension or participation is questionable:**

Respondents were asked to describe the steps they take when they find it difficult to judge whether a litigant can comprehend or participate in proceedings in a meaningful way.

Many respondents reported employing multiple, diverse steps. In Table 7, 99 NY City respondents listed 123 steps employed, and 72 Rest of State respondents listed 82 steps employed.

<b>Table 7</b> <b>Respondent’s Steps When a Litigant’s Ability to Comprehend or Participate in Proceedings is Questionable</b> <b>Proportion of Total Steps Reported</b> <b>(n = NY City: 99 respondents &amp; 123 steps; Rest of State: 72 respondents &amp; 82 steps)</b>		
<b>Steps Taken by Respondent</b>	<b>NY City: Proportion of 123 Total Steps Reported</b>	<b>Rest of State: Proportion of 82 Total Steps Reported</b>
<b>Ask questions</b> , including: Ask sufficient questions of the litigant—on the record or off the record; engage in conversation with the litigant; with consent of the other side, meet alone with the person to judge capability in a non-embarrassing way; discuss the concerns with the litigant's caregiver, attorney, doctor, advocate, or those accompanying the litigant; use a list of questions for those who are representing themselves; listen to the litigant and assess his responses; basic questioning to test memory, education level, and matters related to the case.	<b>44%</b>	<b>51%</b>
<b>Formal or informal assistance</b> , including: Appoint a guardian ad litem, assign an attorney, refer to the Mental Hygiene Legal Service program, request a formal psychological or capacity evaluation, request a court interpreter, refer to a housing counselor, order a forensic evaluation, order a medical assessment, request assistance from an expert reviewer, request a parent to appear, seek assistance from court personnel, take testimony on the record, conduct a camera interview, assess what medications the litigant is on and whether he is taking them pursuant to prescription, request assistance from an outside agency such as The ARC, LIFT, Adult Protective Services, and other government agencies.	<b>42%</b>	<b>34%</b>
<b>Adjust language</b> , including: Speak slowly, simplify language, slow down the proceedings, be very patient, provide an explanation/description of court proceedings as clearly as possible, explain everything at least once on the record and allow the litigant to ask questions, change my wording to simplify proceedings as much as is practicable, break down the litigant's rights into small bits and ask questions after each piece, continue to clarify the litigant's	<b>14%</b>	<b>15%</b>

understanding of what is happening, call for a translator/interpreter for those with hearing impairment and those with language barriers, give adequate time—including brief adjournments—for counsel to explain the nature of the proceedings and to answer litigant's questions.		
<b>In addition to the 123 + 82 reported steps taken that are included in the three categories above, the following comments by 18 respondents add further clarification regarding the complexity of the issue of assessing litigants' comprehension and meaningful participation:</b>		
For me, the issue arises only in the context of pro se litigants, except in one case where the attorney appearing for a corporate defendant advised the Court that the principal of the corporate defendant, who had been sued individually, suffered from Alzheimer's Disease.		
The Court applies criteria that pertain in specialized parts to determine capacity.		
I do what I can.		
We have the ability to assign a Guardian Ad Litem (GAL) in any case where the litigant's inability to understand is evident. Problematically, institutional lawyers for those litigants often object to a GAL, fearing prejudice to their case if they admit their client is impaired.		
I handled two types of proceedings where this could be seen to be an issue: Mental Health Law Article 15/Criminal Procedure Law 330 retention hearings, and Civil Practice Laws and Rules Articles 70/78 prisoner writs. In the former group, all parties are represented by Mental Hygiene Legal Service, and I assume the parties have a limited ability to understand, but have appropriate assistance. In the latter, a high percentage of incarcerated litigants appear to be mentally ill or intellectually disabled, lacking understanding, and all but a hand full appear pro se. The process is deeply flawed and unfair to those litigants, who present their issues poorly and no doubt do not understand the decisions rendered in their cases.		
As Guardianship Referee in 2013 I dealt almost exclusively with the compliance aspects of the reports required to be filed by guardians (i.e., caregivers). Thus, 99% of my "litigants" are caregivers and 1% are the adjudicated incapacitated persons who seek post-adjudication involvement in how their affairs are being handled. It is "somewhat difficult" to assess comprehension for 29% of proceedings only in the sense that well-meaning caregivers (guardians) often say they understand how to file various reports but demonstrate their misunderstanding only after the reports are received and found to remain largely non-compliant with the reporting requirements. Many others simply concede their need for help. All of my survey responses should be considered in this context.		
I deal with children in court every day. They all have counsel, who are able to advise the court if there is a competency issue. I adjust my language and explanations when I am addressing children in court.		
I would consider statements, if any, made by family members or friends. In some cases I have received written statements from mental health and/or other medical personnel.		
I preside over foreclosure conferences where most people in my county are unrepresented. When I detect someone who may be unable to understand, I try to get them to speak to a Housing Counselor or Attorney.		
On one occasion, I stopped the proceeding.		
Usually it is apparent when someone is mentally ill or cognitively challenged. Since they have to disclose their income source, their receipt of SSI is often a tip-off and can lead to the questions that I ask.		
There are very few options available, but it is usually fairly clear when a litigant is unable to adequately participate.		
I am in a position where I have to depend on the litigant's attorney to let me know if there is a difficulty. I am expressly ethically prohibited from directly contacting representative parties. If a difficulty is brought to my attention, then I would take appropriate steps, such as an evaluation and, if necessary, appoint a guardian ad litem.		
Most times, any difficulty is due to language barriers. While I am sure there are cases involving incapacitated people unable to participate in cases to which they are parties, I don't see those cases often.		

This issue has arisen primarily over language. I inquire as to the person's comfort level with English and ascertain the court's, court reporter's, and other parties' ability to understand the person. I err on the side of caution and order an interpreter. This issue also occurs with hearing-impaired persons.

In my current position, where virtually all litigants are represented, assessment of a litigant's ability to understand and participate meaningfully is rarely, if ever, an issue.

The issue has never been presented.

I ask questions of the litigant to attempt to assess whether they comprehend *why* they are in Court, what the issues are, and how they feel about these issues. I also may question as to whether any award has been made to them (e.g., disability), whether someone manages their affairs, what their living arrangements are, whether they are receiving any form of treatment or are on (or should be on) any medication (as respectfully as possible). When in doubt, counsel is always assigned to protect the litigant's rights.

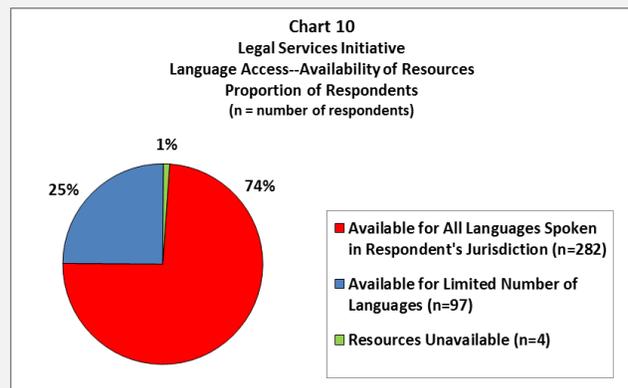
## Section VI Accessibility

Respondents reported on four aspects related to accessibility (language barriers, exterior of the court building, exterior entrance to the building, and interior of the court building) and the extent to which resources are available to assist litigants who are frail, have impairments or disabilities, or who have limited/no English-speaking proficiency.

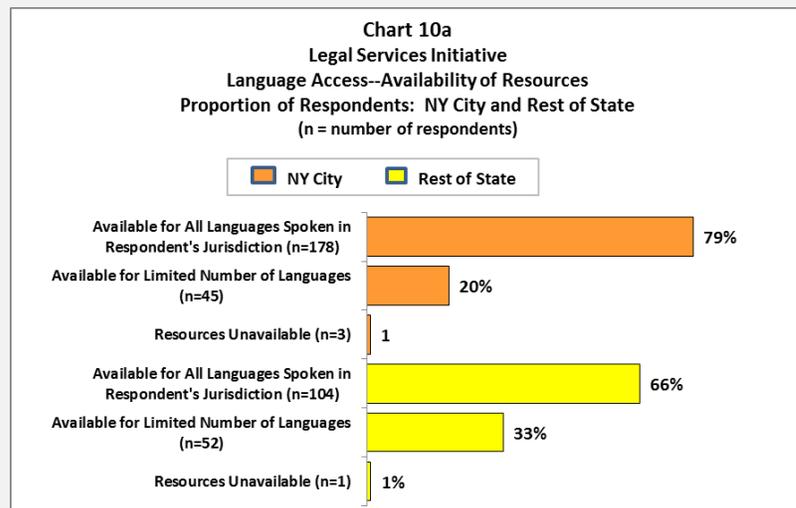
### Accessibility—language:

**Resources:** 383 respondents reported on the availability of resources to accommodate litigants who have limited proficiency with the English language.

- Chart 10 shows that a majority (74%) of respondents reported that resources are available for *all* languages spoken in their jurisdiction.
- A quarter (25%) of respondents reported that resources are available for a limited number of languages.

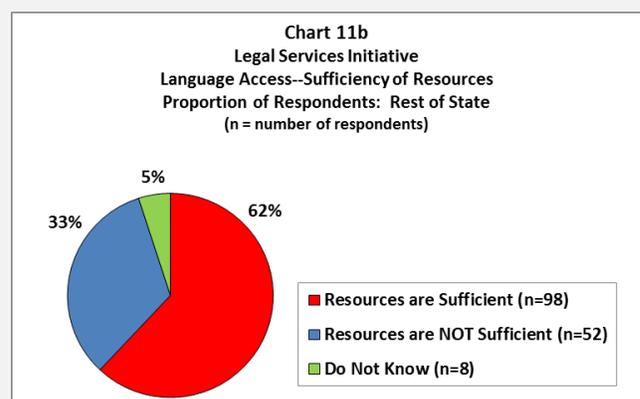
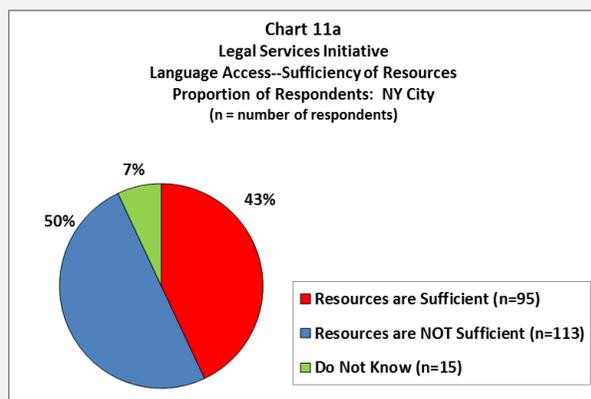


- Chart 10a shows a difference in *availability* of language resources between the five counties of New York City and the 57 counties in the Rest of the State.
- For respondents in NY City counties, a greater proportion (79%) reported that resources were available for ALL languages spoken in their jurisdiction, compared to 66% of respondents in the Rest of State counties.



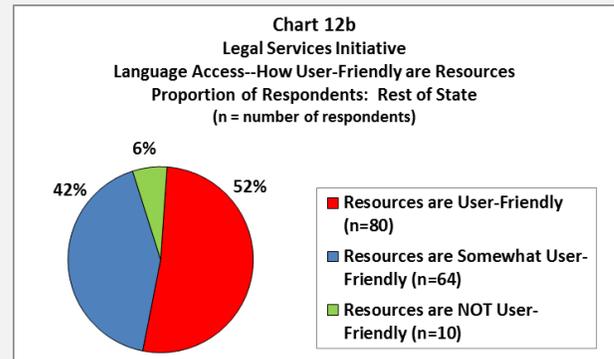
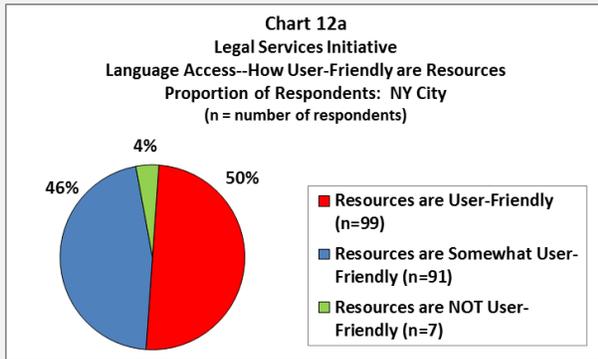
**Resource sufficiency:** 381 respondents (223 in NY City; 158 in the Rest of the State) reported whether resources for language access are *sufficient*.

- In Chart 11a, the greater proportion of NY City respondents (50%) reported that language access resources are NOT sufficient.
- In Chart 11b, the greater proportion of Rest of State respondents (62%) reported that language access resources ARE sufficient.



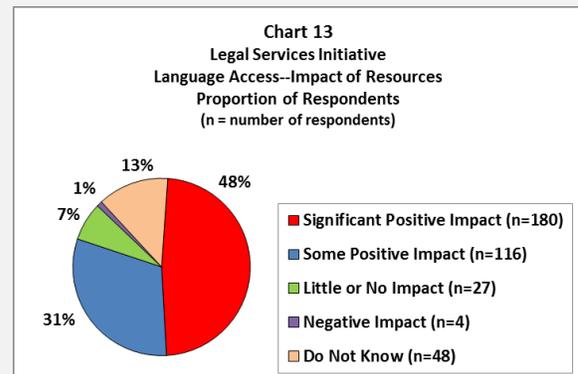
**Resources—how easy to use:** 351 respondents (197 in NY City; 154 in Rest of State counties) reported on how user-friendly are language-access resources. An additional 31 respondents reported that the question was not applicable to them.

- In Chart 12a, 50% of NY City respondents reported that language-access resources "are user-friendly," and 46% deemed these resources to be "somewhat user-friendly."
- Results for respondents from the Rest of the State (Chart 12b) are almost equivalent to those in NY City, with 52% reporting the resources as user-friendly and 42% describing them as somewhat user-friendly.



**Impact of language-access resources:** Respondents were asked, "From your experience, when language-access resources are used, what is the impact related to 'access to equal justice'?"

- In Chart 13, the greater majority (79%) of 375 respondents believes that the available language-access resources have a "significant positive impact" (48%) or "some positive impact" (31%).
- 8% feels that the resources have "little or no impact" (7%) or a "negative impact" (1%).
- 13% of respondents "do not know" what the impact of these resources is.



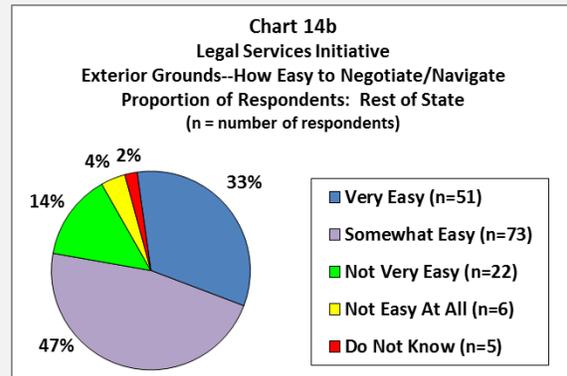
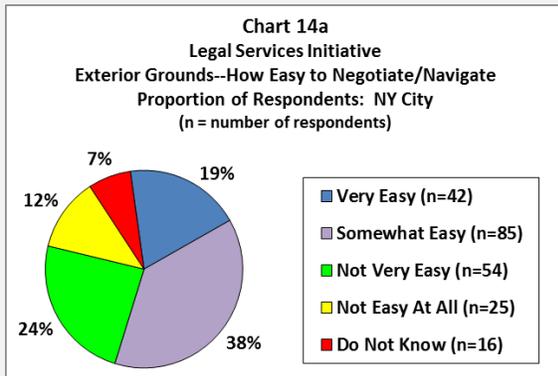
**Physical accessibility—courtroom location and physical structure:**

Respondents were asked for their opinion on how easy it is for older adults and people with disabilities to navigate/negotiate the courthouse's grounds and building and to find their way to needed amenities and to where their cases are being heard.

**Exterior grounds** (such as sidewalks, walkways, parking, ground slopes, stairs, lighting, signage, snow and debris, curb-cuts, pavement, non-slip surfaces, etc.):

In Charts 14a and 14b, 222 NY City respondents and 157 Rest of State respondents provided information about the courthouse's exterior grounds.

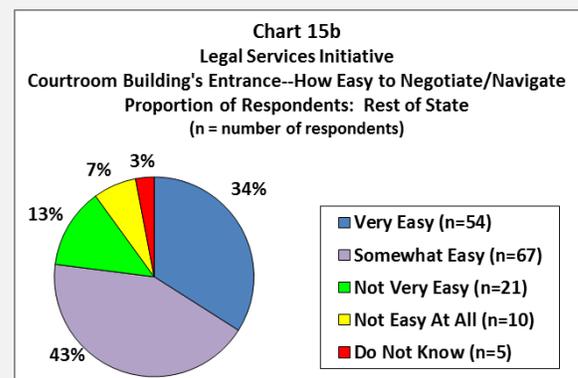
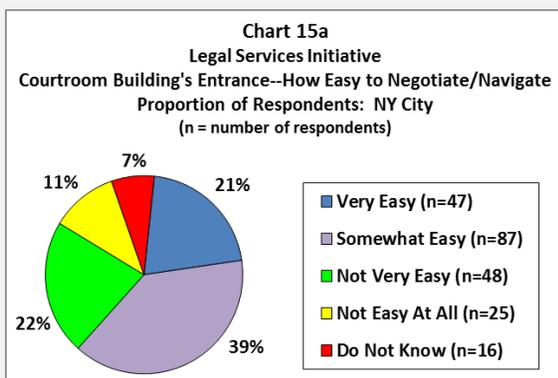
- A greater proportion of Rest of State respondents (33%), compared to NY City respondents (19%), described the exterior grounds as "very easy" to negotiate/navigate.
- A greater proportion of NY City respondents (36%) than Rest of State respondents (18%) find the exterior grounds to be "not very easy" or "not easy at all" to negotiate/navigate.



**Courtroom building's access-entrance** (covered entrance, door weight, lever door handle, entrance ramp, steps, non-slip surfaces, etc.):

In Charts 15a and 15b, 223 NY City respondents and 157 Rest of State respondents provided information about the entrance to the courthouse.

- A greater proportion of Rest of State respondents (34%), compared to NY City respondents (21%), described the courtroom building's entrance as "very easy" to negotiate/navigate.
- A greater proportion of NY City respondents (33%) than Rest of State respondents (20%) find the entrance to be "not very easy" or "not easy at all."



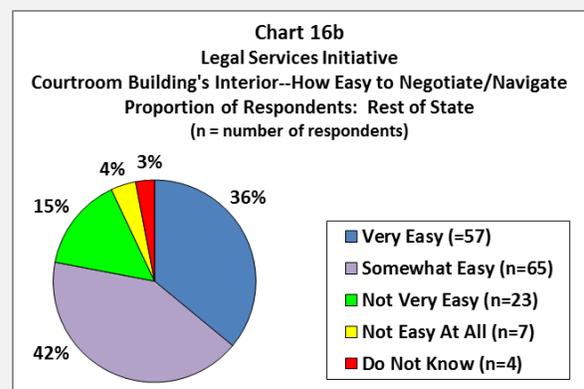
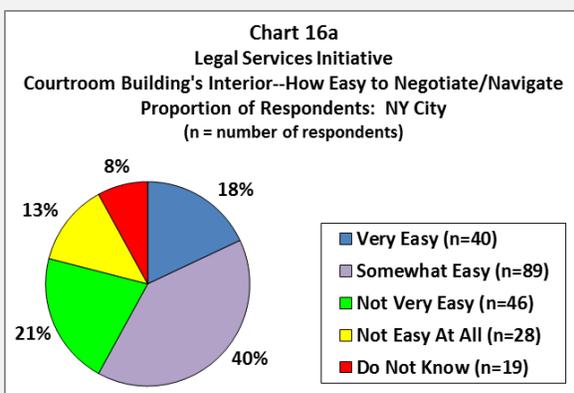
**Courtroom building's interior** (hallways/pathways, signage, way markers, lighting/glare, acoustics, assistive hearing devices, stairways, bathrooms, elevator, hand rails, seating, water fountains, doorway width, thresholds, carpeting, reception area, non-slip floor surface, etc.):

In Charts 16a and 16b, 222 NY City respondents and 156 Rest of State respondents provided information about the courthouse's interior environment.

A greater proportion of Rest of State respondents (36%), compared to NY City respondents (18%), described the courtroom building's interior environment as "very easy" to negotiate/navigate.

A greater proportion of NY City respondents (34%) than Rest of State respondents (19%) find the interior to be "not very easy" or "not easy at all."

The proportions of respondents who described the courthouse's interior as "somewhat easy" to navigate is similar between NY City respondents (40%) and Rest of State respondents (42%).



**Impact of accessibility of physical premises:** Respondents were provided with 12 options in response to the question, "What is the impact of the premises' overall level of accessibility on court proceedings"?

Many respondents selected multiple responses. NY City respondents provided a total of 337 impact responses; Rest of State respondents provided 179. 40 NY City respondents and 10 Rest of State respondents reported that they did not know the impact of the physical premises on court proceedings.

- Table 8 shows that results differ between NY City and the Rest of the State:
  - The greater proportion (72%) of responses by NY City respondents described *various* types of impacts on court proceedings.
  - The greater proportion (60%) of responses by Rest of State respondents were that the physical premises had little or no impact on court proceedings.

<b>Table 8</b> <b>Impact of the Overall Level of Accessibility on Court Proceedings</b> <b>(including building's exterior grounds, entrance, and courthouse's interior)</b> <b>Proportion of Responses: NY City and Rest of State</b>		
Impact on Proceedings	NY City: Proportion of 337 Responses by NY City Respondents	Rest of State: Proportion of 179 Responses by Rest of State Respondents
Little or no impact	28%	60%
Various types of impact	72%	40%

Table 8a shows the various types of impacts reported by respondents.

- For both NY City and the Rest of the State, the greatest impacts on court proceedings include: cases are sometimes delayed, litigants complain, litigants are often late, and cases are sometimes postponed.

<b>Table 8a</b> <b>Impact of the Overall Level of Accessibility on Court Proceedings</b> <b>Type of Impact</b> <b>Proportion of All Impact Types: NY City and Rest of State</b>		
Type of Impact	NY City: Proportion of 244 Responses	Rest of State: Proportion of 72 Responses
Cases are <i>sometimes</i> delayed	27%	29%
Cases are <i>often</i> delayed	9%	6%
Litigants complain	16%	21%
Litigants are often late	21%	15%
Litigants often require specialized physical assistance	9%	8%
Cases are sometimes postponed	15%	10%
Cases are sometimes cancelled	1%	4%
Case outcome is sometimes negative	2%	6%
Case outcome is often negative	0%	1%

In Table 8b, optional comments from 31 respondents provide more detailed descriptions regarding the impact of the premises' accessibility status on courtroom proceedings.

<b>Table 8b Impact of Premises' Accessibility Status Comments by 31 Respondents</b>
Only one wheelchair-accessible door.
My court room is not handicapped-accessible, and it has caused problems with people in wheelchairs.
The impact of the premises is that it creates more anxiety for all concerned; it is also an unnecessary distraction and redirects the focus onto the person in need of assistance.
The side door access is difficult to use and confusing, with no clear signage.
Long lines at Magistrate Court.
The cases are excessively adjourned.
Sometimes we don't have enough officers to staff the magnetometers [detecting weapons, etc.], which delays everyone coming into the courthouse . . . but perhaps delays disabled litigants the most.
Due to insufficient staffing, entry lines sometimes go around the block, leading to long down-periods where cases cannot be called and where there is a harried frenzy to complete a calendar.
Litigants are sometimes late because of the lines for entering the building.
Lines to get in in the morning are too long; inquests and defaults get delayed, and some miss the call.
The time for getting through security is affected negatively; lines are often very long.
All of the construction in our courthouse delays entry into the building.
The quality of the premises has an impact on bringing the litigant in or out of the court room.
The courtroom is not handicapped-accessible; there are no accessible bathrooms on the court floor.
Bronx Family Court: The new entrance has steps and no sign to indicate that there is a handicap entrance. Courtrooms change locations every few months, so people go to the wrong floor. The elevators break (even after the renovations). Needless to say, this makes it hard for litigants to get to the courtroom.
Brooklyn Housing Court is abysmal and the litigants and attorneys who appear there are negatively impacted by the deteriorated and dreadful facilities.
The unsatisfactory physical premises, including delayed and crowded elevators and crowded entrances, cause delays and affect the psychological health of some of the litigants.
Litigants often act differently, often negatively, because the place does not look or feel like a court room.
The elevators at 141 Livingston Street are woefully inadequate to meet everyone's needs. They are crowded and there is no separate elevator for employees and judges. Many of the litigants are angry and let their hostility known in the elevator. Some litigants express fear of the elevators, which shake while in motion. This does not create a positive environment for a court and actually makes the building look like anything other than a court.
Our elevators are deplorable . . . they do not operate well and the problem is well-known.
Horrendous public elevator problem.
Litigants often have to wait for elevators. While significant efforts are made to reserve a staffed elevator for physically impaired parties, there is often a wait.

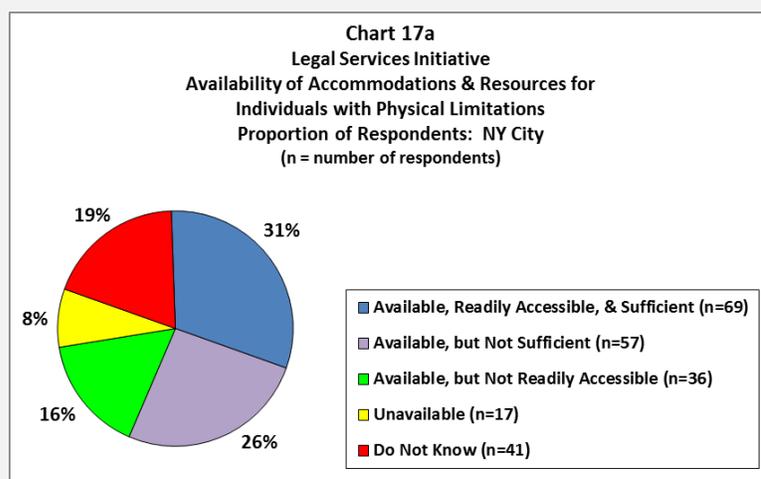
The Civil Court Building cannot handle the number of people who come and go, and the elevators are horrible. People are often late for their cases and access is not user-friendly for the elder nor for the litigants and attorneys who appear at 141 Livingston Street.
No elevator means people in wheelchairs, etc., have to go outside to get from the clerk's office to the courtroom; and they can't go to the 2 <sup>nd</sup> floor.
For me, the problem is audio. The acoustics are not good enough and the room could use a public address system of some kind.
My courtroom is on the first floor and is fairly accessible; however, occasionally litigants in Mental Hygiene proceedings are either not present because of the difficulty in transporting them to court or they choose not to come to the courthouse. Occasionally the proceedings are rescheduled to occur in the litigant's residence or facility, but usually the appearance of the individual litigant is waived.
The security staff or Commission of Jurors or Court Clerks are the most likely personnel to have insights into the nature of any complaints about the facility.
We have a relatively new facility, and our staff is extremely helpful to litigants.
Court is quite accessible; specified problems arise from other causes.
I have seen no issues to date.
For the cases I am currently hearing, this is rarely an issue.

***How available are accommodations and resources for individuals with physical limitations and those with mental or cognitive limitations:***

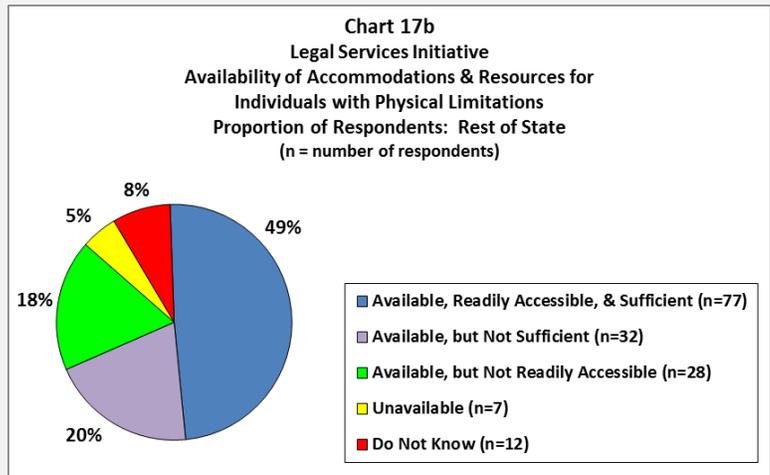
**Persons with physical limitations:** 376 respondents (NY City: 220; Rest of State: 156) reported on the availability of accommodations and resources for people with physical limitations (such as vision and hearing impairment, mobility impairment, limited strength or stamina, cane/walker/wheelchair-users, communication impairments, lack of muscle control, etc.).

Charts 17a (NY City) and 17b (Rest of State) compare the availability of resources and accommodations for individuals with physical limitations.

- A greater proportion of Rest of State respondents (49%) than NY City respondents (31%) report that accommodations and resources are "available, readily accessible, and sufficient."



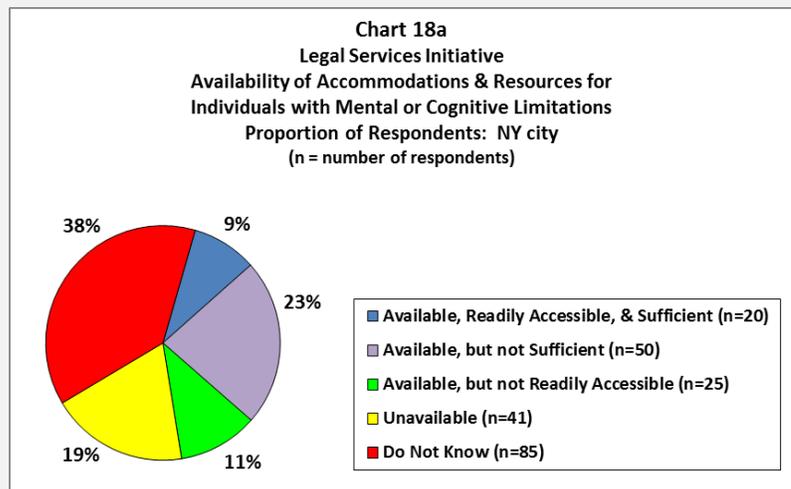
- 42% of NY City respondents and 38% of Rest of State respondents report that resources and accommodations are either "not sufficient" or not "readily accessible."
- A substantial proportion of NY City respondents (19%), compared to Rest of State respondents (8%) report that they "do not know" the availability of resources and accommodations for individuals with physical limitations.



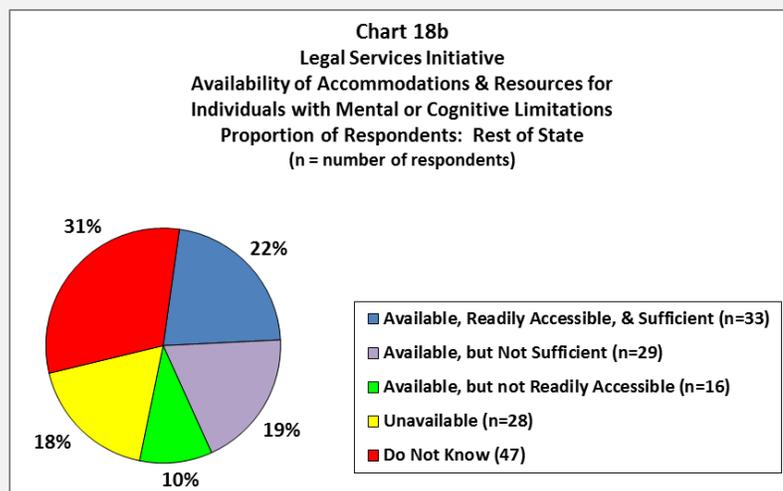
**Individuals with mental, developmental, or intellectual limitations:**

374 respondents (NY City: 221; Rest of State: 153) reported on the availability of accommodations and resources for persons with mental or cognitive disabilities (such as Alzheimer’s Disease, other dementia conditions, developmental disabilities, intellectual disabilities, mental health issues, traumatic brain injuries, etc.).

Charts 18a (NY City) and 18b (Rest of State) compare the availability of resources and accommodations for individuals with mental, developmental, or intellectual limitations.



- Substantial proportions of both NY City respondents (38%) and Rest of State respondents (31%) report that they "do not know" the availability of accommodations and resources for individuals with mental or cognitive limitations.
- 19% (NY City) and 18% (Rest of State) of respondents report that resources and accommodations for these individuals are "unavailable."
- 34% (NY City) and 29% (Rest of State) of respondents report that resources and accommodations are either "not sufficient" or "not readily accessible."



**Accessibility—technology:**

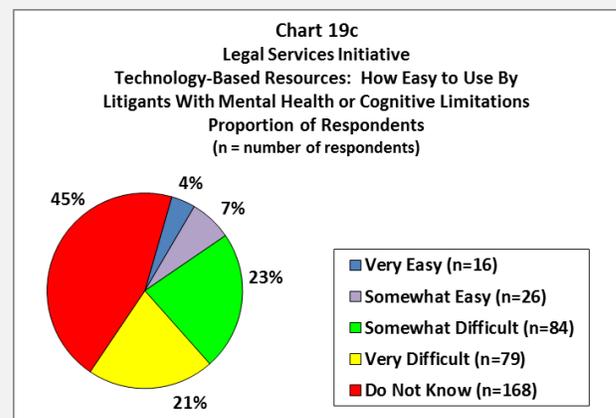
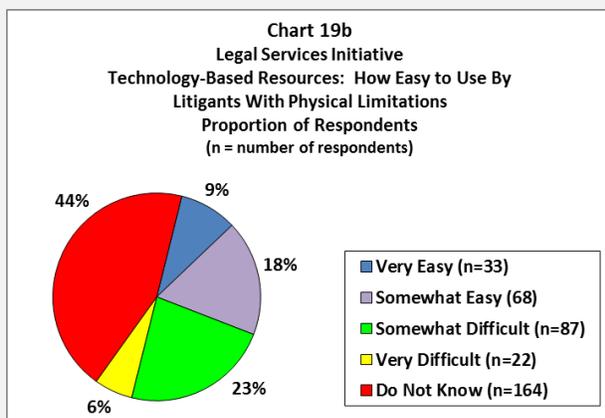
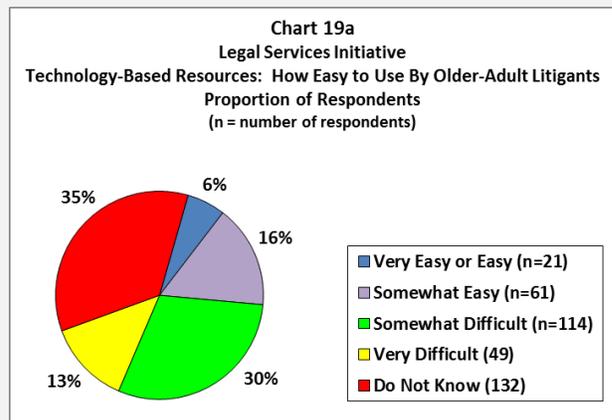
Respondents were asked to report on how easy-to-use they think litigants find technology-based forms and resources (such as do-it-yourself forms, Web-based informational resources, interactive Web-based documents, Web-based language translation, real-time language translation, on-line types of communication, self-help centers, assistive listening devices, etc.).

Statewide, 377 respondents reported their opinions about older-adult litigants, 374 reported about litigants with physical disabilities, and 373 reported about litigants with mental health or cognitive / developmental / intellectual disabilities.

Charts 19a (older adults), 19b (physical disabilities), and 19c (mental or cognitive / developmental / intellectual limitations) compare the three population groups:

- Statewide, substantial proportions of respondents report that they "do not know" how easy-to-use technology-based resources are for older adults (35% of respondents), individuals with physical limitations (44% of respondents), or persons with mental health or cognitive disabilities (45% of respondents).
- Respondents find that technology-based resources are "somewhat difficult" or "very difficult" for:

- Persons with mental health or cognitive limitations: 44% of respondents.
  - Older adults: 43% of respondents.
  - Persons with physical disabilities: 29% of respondents.
- Respondents find that technology-based resources are "somewhat easy" or "very easy" for:
    - Persons with physical disabilities: 27% of respondents.
    - Older adults: 22% of respondents.
    - Persons with mental health or cognitive limitations: 11% of respondents.



**Section VII**  
**Appearing in Court Without Legal Representation (Pro Se)**

***Litigants appearing in court pro se:***

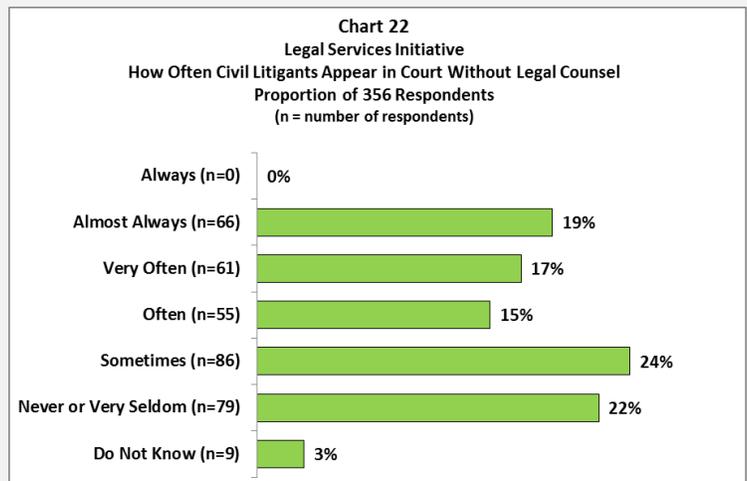
A particular concern of the *Legal Services Initiative* is the extent to which older adults, people with disabilities, and caregivers enter the court system without the benefit of legal counsel (pro se). This concern is borne out by the findings in Table 5 above, which shows that high proportions of respondents feel that these population groups understand the court system's procedures, protocols, terminology, and decisions "not very well" or "not well at all."

Charts 22-27: Respondents were asked to estimate how often the different population groups appeared before them without legal representation. In the survey's Questionnaire, "how often" was defined as:

Never or very seldom:	0% - 9% of the time
Sometimes:	10% - 19% of the time
Often:	20% - 49% of the time
Very Often:	50% - 79% of the time
Almost Always:	80% - 99% of the time
Always:	100% of the time

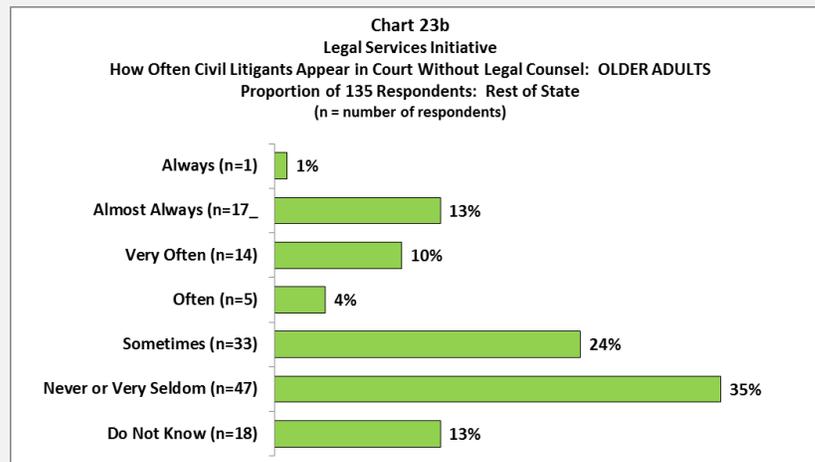
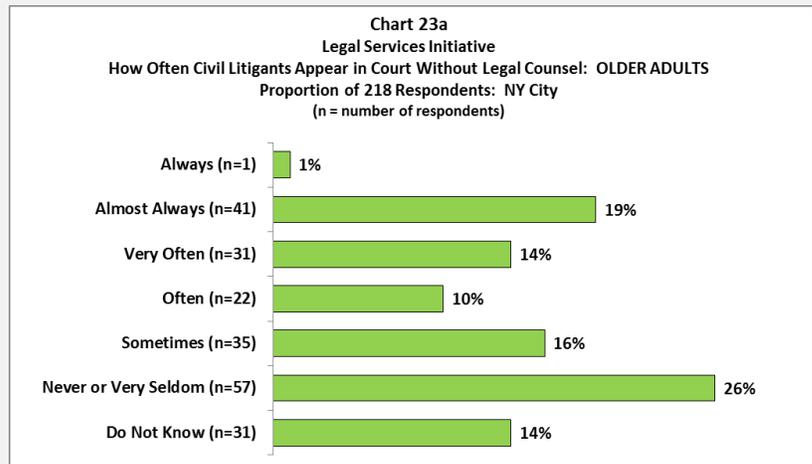
**Appearing pro se—all civil proceedings:** Statewide, 356 respondents reported how often civil case proceedings came before them in which one or more litigants appeared without legal representation.

- Chart 22 shows that the greatest proportion (24%) of respondents reported that litigants appeared pro se “sometimes.”
- 51% of respondents reported that litigants appeared pro se “often” (15%), “very often” (17%), or “almost always” (19%).



**Appearing pro se—older adults:**  
Charts 23a and 23b compare NY City and the Rest of the State:

- 26% of NY City respondents and 35% of Rest of State respondents report that older adult litigants appear pro se "never or very seldom."
- A total of 44% of NY City respondents, compared to 28% of Rest of State respondents, report that older adult litigants appear pro se "often," "very often," "almost always," or "always."

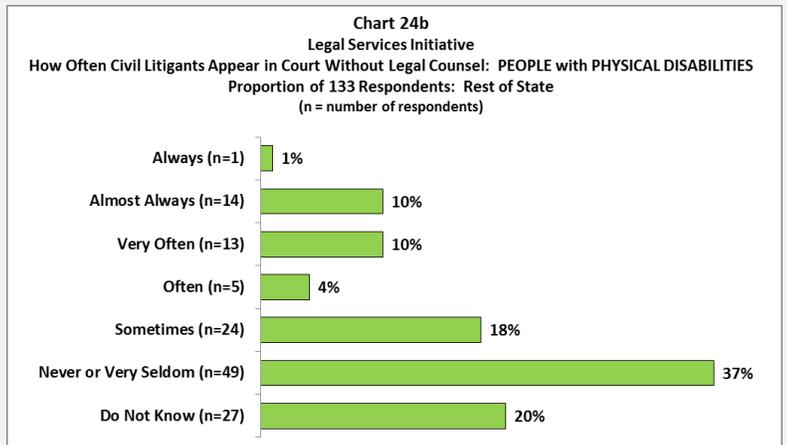
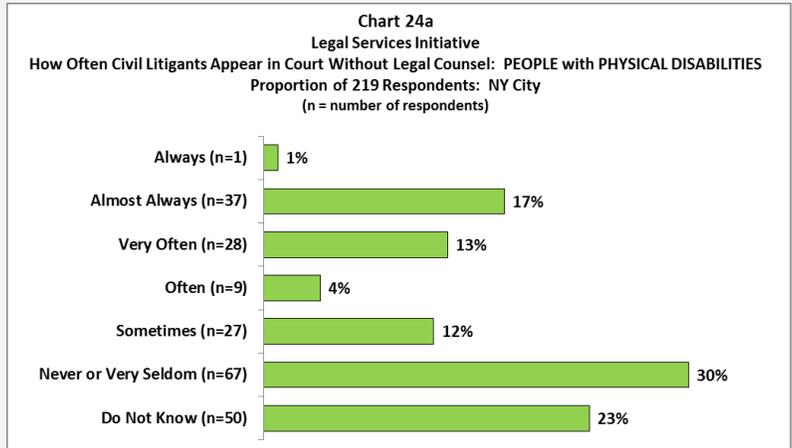


**Dementia:** Further analysis for litigants with Alzheimer's Disease or other dementia showed:

- Statewide, a substantial proportion (41%) of respondents report that they "do not know" if litigants with Alzheimer's or other dementia are appearing in court without the benefit of counsel.
- 34% of respondents report that these litigants appear pro se "never or very seldom."
- A total of 25% of respondents report that these litigants appear pro se "sometimes," "often," "very often," "almost always," or "always."

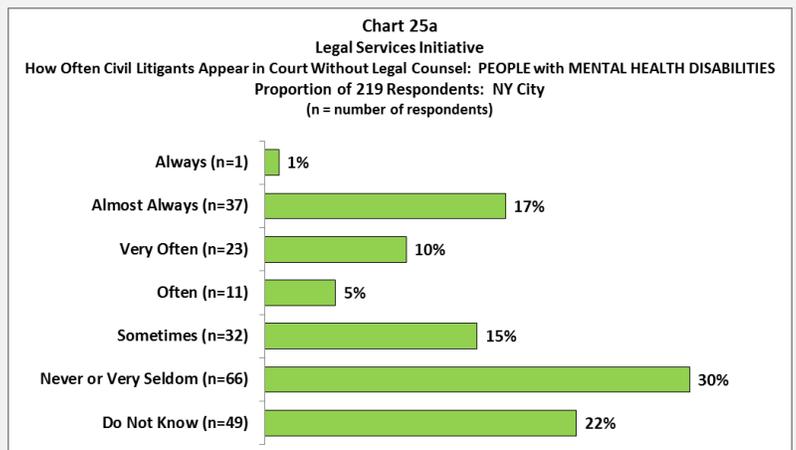
**Appearing pro se—litigants with physical disabilities:** Charts 24a and 24b compare NY City and the Rest of the State:

- 30% of NY City respondents and 37% of Rest of State respondents report that litigants with physical disabilities appear pro se "never or very seldom."
- A total of 35% of NY City respondents, compared to 25% of Rest of State respondents, report that litigants with physical disabilities appear pro se "often," "very often," "almost always," or "always."

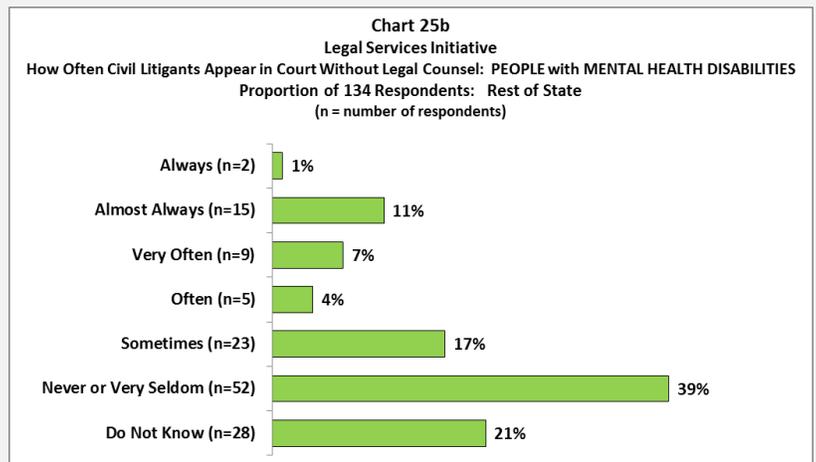


**Appearing pro se—mental health impairments:** Charts 25a and 25b compare NY City and the Rest of the State:

- 30% of NY City respondents and 39% of Rest of State respondents reported that litigants with mental health impairments entered the court system pro se "never or very seldom."

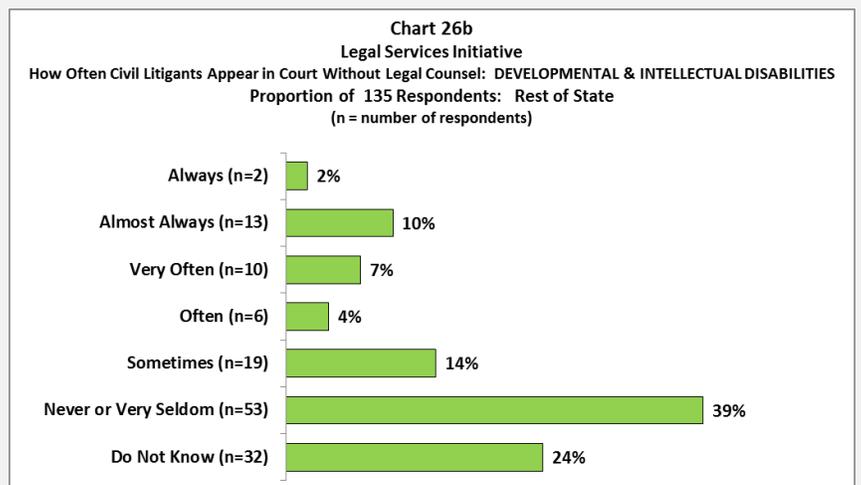
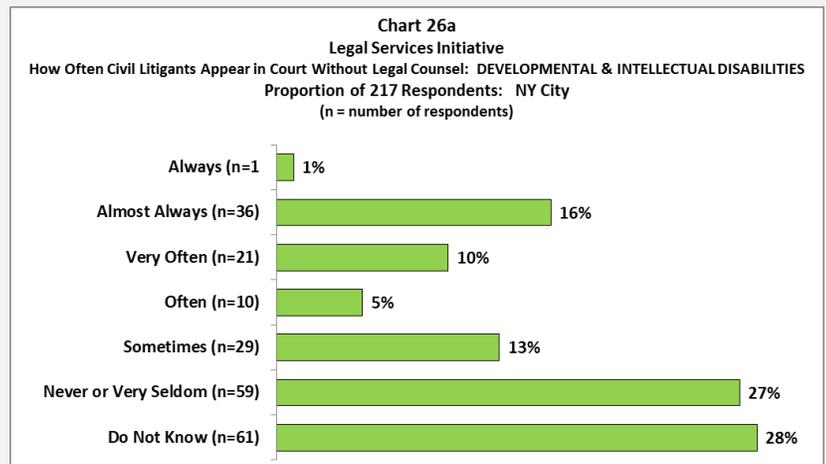


- A total of 33% of NY City respondents and 23% of Rest of State respondents reported that litigants with mental health impairments appeared pro se "often," "very often," "almost always," or "always."



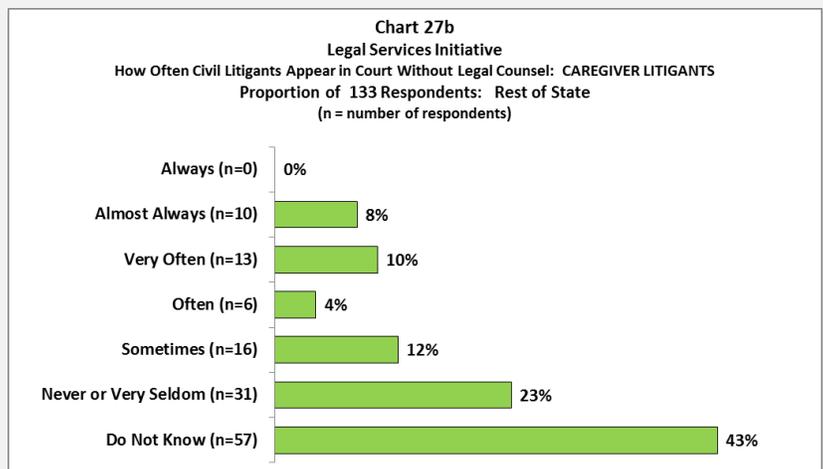
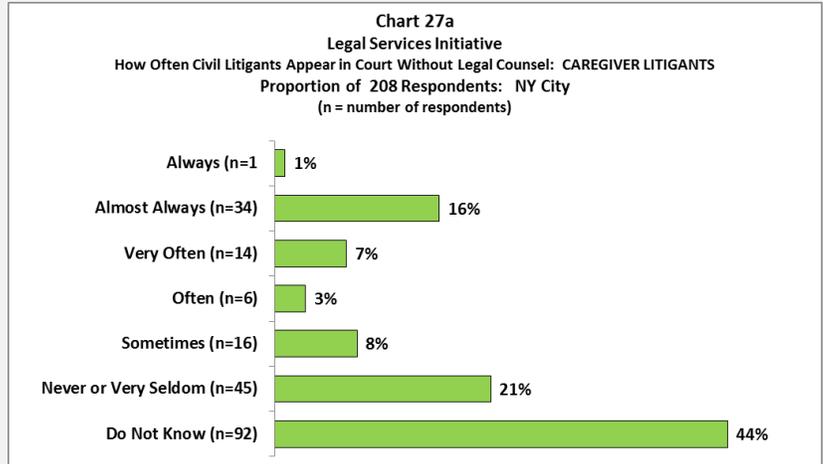
**Appearing pro se—developmental and/or intellectual disabilities: Charts 26a and 26b** compare NY City and Rest of the State:

- 28% of NY City respondents and 24% of Rest of State respondents reported that they "did not know" how many litigants with developmental and/or intellectual disabilities appeared in court without legal counsel.
- 27% of NY City respondents, compared to 39% of Rest of State respondents, reported that litigants with developmental and/or intellectual disabilities appeared pro se "never or very seldom."
- 32% of NY City respondents, compared to 23% of Rest of State respondents, reported that litigants with developmental and/or intellectual disabilities appeared pro se "often," "very often," "almost always," or "always."



**Appearing pro se—caregivers:**  
 Charts 27a and 27b compare NY City and the Rest of the State:

- 44% of NY City and 43% of Rest of State respondents report that they "do not know" if litigants with issues related to their caregiving responsibilities appear in court without legal counsel.
- 21% of NY City respondents and 23% of Rest of State respondents report that caregiver litigants appear pro se "never or very seldom."
- A total of 27% of NY City respondents and 22% of Rest of State respondents report that caregiver litigants appear pro se "often," "very often," "almost always," or "always."



**Proceedings involving pro se litigants:**

**Reasons for appearing pro se:** Respondents were asked to list up to five main reasons why civil litigants appear in court without legal representation.

190 NY City respondents reported 581 reasons, and 123 Rest of State respondents reported 383 reasons, which are sorted into 8 categories in Table 9.

"Money issues" is the primary reason (NY City: 36% of reasons; Rest of State: 41% of reasons) for entering the court system without legal representation.

**Table 9**  
**Legal Services Initiative**  
**Main Reasons for Appearing Without Legal Counsel**  
**Proportion of Reported Reasons**

Reason for Appearing Pro Se	NY City: Proportion of 581 Reasons Reported	Rest of State: Proportion of 383 Reasons Reported
<p><b>Money</b>, including: inability to pay/don't have the money for an attorney; inadequate income; indigent; cost of an attorney is prohibitive; cost of counsel exceeded the cost of the claim; owe prior attorney money; don't <i>want</i> to pay or spend the money; don't want to waste money; can't afford the cost and do not qualify for assigned counsel; cannot afford cost of attorney but do not qualify for free representation programs such as Legal Aid; the individual's Guardian or caregiver does not have sufficient funds to hire counsel; Guardian does not want to spend their Ward's money for counsel; litigant does not control their financial resources, and their spouse will not pay; can't afford counsel but are suspicious of assigned counsel; free legal services do not represent people in matrimonial cases; eligibility—they own real estate, but it is not income-producing; too much money for court-appointed counsel, but not enough to pay for own attorney; less expensive to pay child support than fund a long legal proceeding.</p>	36%	41%
<p><b>Do not know where or how to retain legal assistance</b>, including: don't know how to access an attorney; don't know who to phone; lack of knowledge about what legal resources are available or where to go to obtain help; do not know what they are entitled to—do not know their rights to representation or to free or assigned counsel; do not know assigned counsel is available until they are actually in court; don't know about the public defender; do not know how to apply for free legal assistance or assigned counsel; person is not properly informed about what is available; can't find an attorney or can't find one he trusts; case filing occurs before he is able to find an attorney; person's circumstances limit their access to counsel; lack of available legal assistance for civil matters; lack of volunteer lawyers; person is unsure of whom to hire; person has made no attempt to hire or find a lawyer; developmental level creates difficulty in accessing an attorney.</p>	13%	11%
<p><b>Want to represent self</b>, including: they advise the Court that they want to waive counsel and feel they are able to address issues without representation; think they can competently represent themselves; believe they can handle it better than an attorney; think they can do it on their own just as well as the attorney would do it; think they are smarter than they <i>are</i>; prefer to represent themselves instead of spending the money; simply do not want an attorney; simply elect or desire to do the representation themselves; they are actually capable and smart enough to do it themselves so don't need an attorney or assistance; the Guardian is able to do it himself; they prefer to speak for themselves regarding family matters; they are told by an attorney to represent themselves; the issue is simple enough to handle without an attorney; Family Court is user-friendly to the self-represented litigant; they are unaware of</p>	10%	11%

the consequences of self-representation; don't like the legal advice given to them so elect to proceed on their own; do not believe assigned counsel will be effective; prior lawyer was perceived as ineffectual so party figures he can't do any worse; post-matrimonial litigants have had enough with attorneys; don't want to return to court.		
<b>Don't think they need counsel</b> , including: they don't believe or feel they need counsel; believe they can resolve the case themselves; don't believe it is necessary to have an attorney; their own arrogance leads them to think they do not need assistance; personal pride; belief that their position is obviously meritorious; do not realize the importance of the matter in their case; don't understand how services of an attorney would be helpful; belief that their case is a lost cause so why have an attorney; mental health issues impair their ability to appreciate the necessity of having counsel; refuse to accept free representation due to mental health condition; understand the proceedings so don't need counsel; they distrust the legal profession or cannot find an attorney they trust; don't think attorneys are worth the money; mental health issues make them paranoid and they don't trust attorneys; bad experience or dissatisfaction with attorney in the past creates a lack of trust in the profession; trust issues; an assumption that everything is subject to a lawsuit; they don't like lawyers; only wish to hire counsel if a trial is necessary.	6%	14%
<b>Eligibility</b> , including: the issue is uncontested; person has no right/not entitled to counsel; divorce/post judgment divorce; nature of the proceeding does not allow Court to assign counsel; statutory constraints; type of case does not qualify for assigned counsel; small claims do not require representation; the Court cannot appoint attorneys in support cases; litigant does not have a meritorious case; position or claim is irrefutable; legal representation is not necessary; parties are cooperative with one another.	9%	6%
<b>No one will take the case</b> , including: litigants are difficult and cannot keep retained counsel; former attorney withdrew and unable to retain a replacement; clients are very difficult and go through a number of attorneys before ultimately representing themselves; client's inability to get along with/work with an attorney; inability to communicate with and understand attorney; no attorney will take the case; client is stubborn; client is defiant; refusal to cooperate in any way with the process or system; client won't cooperate with counsel; Legal Aid and other public interest attorneys do not accept child support cases; custody case.	9%	4%
<b>Lack of understanding</b> , including: this is their first appearance so they don't understand the proceeding; don't know how to present a case; person makes an assumption that their disability will benefit them; litigant misunderstands the law and counsel withdraws because litigant refuses to take counsel's advice; litigant misunderstands the law and fires counsel; refuses to recognize what the law is; lack of understanding of proper procedures; Judge Wapner effect—doesn't understand the proceedings or the process; unfamiliarity with judicial system; doesn't understand the consequences of appearing without counsel; failure to follow through with the applications; fails to apply for counsel or assigned attorney; delay in processing request for counsel; believes the Court will take care of them; believes they can just talk to the Judge and get it over with; they want the Judge to help them; assumption that the Court can fix all of life's problems.	6%	6%

<p><b>Lack of available attorneys or legal services</b>, including: Dearth of Legal Aid attorneys; lack of civil legal services attorneys; insufficient free legal services providers; more demand than Legal Aid can meet; legal services organizations too overburdened to represent additional people; litigant cannot afford an attorney but not eligible for Legal Aid or legal services organizations; difficulty in locating counsel; attorneys refuse to assist because the case is not profitable enough; Court does not have the resources to appoint pro bono counsel; Court unable to afford to assign legal counsel.</p>	6%	—
<p><b>Miscellaneous</b>), including: inadequate prisoners' legal services; emergency application; small amounts involved; don't want to bother to get counsel; the time involved; Guardianships; orders of protection; necessity; don't want the animosity; client is in prison; geographic location; client is manipulated by other persons; pistol permits; they are prepared/desire to settle the matter quickly; lost their attorney for a variety of reasons; informal agreement for both sides to use one attorney; counsel not assigned; inconvenience; withdrawal of petition.</p>	5%	7%

**Main types of proceedings involving pro se litigants:** Respondents were asked to list up to three main types of civil proceedings in which civil litigants appear before them without legal representation. For analysis, types of proceedings listed were categorized by:

- Article 81
- Articles 8, 78, 9, and Mental Health Law
- Family issues and interactions
- Issues involving children
- Small claims; commercial claims; contracts
- Housing and property issues
- Debt; credit
- Health
- Miscellaneous

In Table 10, the top three types of proceedings in which litigants appeared pro se are presented by litigant groups:

<p align="center"><b>Table 10</b>  <b>Legal Services Initiative</b>  <b>Predominant Types of Civil Proceedings for Pro Se Litigants: NY City &amp; Rest of State</b>  <b>Proportion of the Total Types Reported for Each Population Group</b></p>	
<p align="center"><b>Predominate Proceedings Involving Pro Se Litigants</b></p>	
<p align="center"><b>NY City</b></p>	<p align="center"><b>Rest of State</b></p>
<p><b>Older Adult Litigants:</b>  145 respondents reported 199 main types of proceedings. The three most predominant proceeding types are:  1. <b>Housing/property issues</b> (33% of reported types), including non-payment, holdovers, evictions, landlord/tenant issues, foreclosure, utility cases, real</p>	<p><b>Older Adult Litigants:</b>  99 respondents reported 144 main types of proceedings. The three most predominant proceeding types are:  1. <b>Family issues</b> (44% of reported types), including matrimonials, child support &amp; custody issues, paternity, spousal support, orders of protection, family offenses,</p>

<p>estate issues, rent issues, cooperative conversion, real property issue, lockout, vacate motion, sale of house.</p> <p>2. <b>Family issues &amp; interactions</b> (30% of reported types), including matrimonials, family offense, kinship hearings, spousal support, child support, paternity, orders of protection, custody, grandparent visitation, adoption, termination of support, PINS, foster care, infant's compromise, neglect, abuse.</p> <p>3. <b>Variety of commercial, contracts, and small claims issues</b> (9% of reported proceeding types).</p>	<p>visitation petitions, neglect, abuse, college arrears for children, and other family court issues.</p> <p>2. <b>Housing/property issues</b> (18% of reported types), including foreclosure, eviction, landlord/tenant issues, property issues.</p> <p>3. <b>Variety of commercial, contracts, and small claims issues</b> (13% of reported types).</p>
<p><b>Litigants with Physical Disabilities:</b></p> <p>120 respondents reported 134 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Housing/property issues</b> (34% of reported types), including non-payment, holdovers, landlord/tenant, foreclosure, eviction, utility cases, real estate, lockout.</p> <p>2. <b>Cases involving children</b> (19% of reported types), including child support &amp; modifications, paternity, custody, visitation, guardianship, orders of protection, PINS, neglect, abuse.</p> <p>3. <b>Family issues and interactions</b> (17%), including matrimonials, structured settlements, spousal support, family offense, orders of protection, neglect, abuse.</p>	<p><b>Litigants with Physical Disabilities:</b></p> <p>89 respondents reported 96 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Cases involving children</b> (34% of reported types), including child support, custody, visitation, guardianship, neglect, paternity.</p> <p>2. <b>Family issues and interactions</b> (16% of reported types), including family offense; spousal support; abuse; orders of protection; matrimonials.</p> <p>3. <b>Housing/property issues</b> (14%), including foreclosure, evictions, property actions, landlord/tenant issues.</p>
<p><b>Litigants with Mental Health Disabilities:</b></p> <p>123 respondents reported 142 main types of proceedings. The four most predominant types are:</p> <p>1. <b>Housing/property issues</b> (30% of reported types).</p> <p>2. <b>Cases involving children</b> (18% of reported types of proceedings).</p> <p>3. <b>Family issues and interactions</b> (16% of reported types).</p>	<p><b>Litigants with Mental Health Disabilities:</b></p> <p>85 respondents reported 96 main types. The four most predominant types are:</p> <p>1. <b>Cases involving children</b> (27% of reported types).</p> <p>2. <b>Family issues and interactions</b> (23% of reported types).</p> <p>3. <b>Housing/property issues</b> (8% of reported types).</p>
<p><b>Litigants with Developmental and/or Intellectual Disabilities:</b></p> <p>113 respondents reported 124 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Housing/property issues</b> (32% of reported types.)</p> <p>2. <b>Cases involving children</b> (21% of reported types).</p> <p>3. <b>Family issues and interactions</b> (17% of reported types).</p>	<p><b>Litigants with Developmental and/or Intellectual Disabilities:</b></p> <p>68 respondents reported 100 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Cases involving children</b> (34% of reported types).</p> <p>2. <b>Family issues and interactions</b> (13% of reported types).</p> <p>3. <b>Housing/property issues</b> (10% of reported types).</p>
<p><b>Caregiver Litigants:</b></p> <p>87 respondents reported 95 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Housing/property</b> (37% of reported types).</p> <p>2. <b>Family issues and interactions</b> (18% of reported types).</p> <p>3. <b>Cases involving children</b> (16% of reported types).</p>	<p><b>Caregiver Litigants:</b></p> <p>49 respondents reported 69 main types of proceedings. The three most predominant types are:</p> <p>1. <b>Family issues and interactions</b> (20% of reported types).</p> <p>2. <b>Cases involving children</b> (19% of reported types).</p> <p>3. <b>Guardianship</b> (14% of reported types), including Article 81, guardianships, and surrogate.</p>

**Impact of appearing in court without counsel:** Respondents were asked to "describe the impact when civil litigants appear unrepresented, compared to when they are represented by legal counsel."

183 NY City respondents provided 210 comments, and 122 Rest of State respondents provided 124 comments describing the impact when civil litigants appear in court unrepresented.

In Table 11, the 334 total comments are sorted into five categories. The two categories with the greatest proportion of comments are:

- 34% of all comments: There is an impact on the **quality** of the proceedings.
- 26% of all comments: There is an impact on the **outcome** of the proceedings.

<b>Table 11</b> <b>Legal Services Initiative</b> <b>Impact of Civil Litigants Appearing in Court Unrepresented</b> <b>NY City and Rest of State Combined</b>	
Impact	Proportion of 334 Impact Comments Reported
<p><b>Quality of the proceeding</b>, including: Cases take significantly longer to resolve; proceeding is more confusing and protracted; length of court time increases ten-fold; moves more slowly through the system; more difficult to proceed in an orderly fashion; pro se makes resolution more difficult; parties are more reluctant to settle; issues are repeated; almost impossible in an IAS part to move a case through discovery; usually, they miss deadlines, fail to serve things properly, etc.; papers are incorrectly prepared; requests are improperly made; unrepresented litigants don't always focus on the pertinent facts; more time spent explaining procedures and the legal standards to be met; tends to clog the calendar, more adjournments; unrepresented individuals are a tremendous drain on the court system; justice is delayed when proceedings are delayed/extended. Many misunderstandings no matter how much explaining is done. Some unrepresented cases are abandoned.</p> <p>Proceedings can be overwhelming when case is at the hearing stage and one party is unrepresented; proceedings more difficult; litigants have unreasonable expectations; judge must bend over backwards to level the playing field; pro se litigants fear the "system" is against them, while represented parties believe the courts are unduly ruling in favor of the "underdog" (the pro se litigant); much more demanding and difficult; court proceeding is much less efficient; pro se litigants can be unreasonable as to the probable outcome and often continue with matters that should be settled; very difficult to conference and resolve. Pro se litigants can be intimidated by opposing counsel.</p> <p>Places the Court in a quandary of determining what is unpermitted "advocacy" and what is permitted "explanation of rights." Judge has to spend additional time ensuring that the attorney does not attempt to take advantage of the other side's pro se status. Litigants' rights are not protected as much. It is much more difficult to deal with pro se litigants, especially when they have disabilities.</p> <p>Additional court resources are required, as all proceedings require a stenographer, and always take more time due to the litigant's inability to coherently represent themselves in an organized fashion; often they are unable to present what is necessary to get the relief they seek—even stretching evidentiary rules to the limit; it also imposes an additional cost on the party who <i>does</i> have counsel; pro se litigants require extra oversight when the judge's staff must make accommodations and explanations while maintaining the appearance of neutrality and fairness; requires court reporters at all conferences; creates risks for court and staff; have to explain everything to pro se people.</p> <p>Represented litigants are in a better position to take advantage of available resources and to assert defenses—particularly true in complex holdover proceedings.</p>	34%

<p>Unrepresented litigants behave or dress inappropriately in court. Unrepresented litigants are more emotional and stressed and feel a greater need to be heard, resulting in drawn-out proceedings. Unrepresented parties argue more, speak over each other on the record. Difficult to complete any meaningful discovery. Reporting service is always required with pro se cases, so proceeding is more protracted. Many pro se claims are either incomprehensible or unrecognizable as a matter of law, so court time is wasted.</p> <p>There is hesitancy on the part of opposing counsel to want to deal directly with pro se litigants, which leads to more court involvement. A more level playing field when both sides are represented.</p> <p>When litigants are unrepresented, cases are resolved quicker and more efficiently. Cases get resolved quicker without lawyers. Conversely, another respondent states that cases can be settled more efficaciously with two counsels. Generally, when both sides are unrepresented, there is less issue than when there is an imbalance of representation. Justice can be achieved without representation, but, in most cases, things go more smoothly and quickly when there is representation.</p>	
<p><b>The outcome of the proceeding</b>, including: Unrepresented individuals frequently fail to prove their cases—even when they have potential viable claims; rights are much more likely to be unprotected—as a result of poor quality of presentation; most who are unrepresented are too engrossed in the emotional issues, which impairs their ability to obtain the most favorable outcome available to them; the more complex the case, the more adverse the impact on the litigant; in general, poor outcomes—unable to present their case or defense, enter into stipulations without understanding the long-term repercussions of the final outcome; they often cannot get an Order of Protection or defend against a petition seeking one; they often enter into agreements regarding custody/visitation that give them far less than they are entitled to and are then stuck with the order as they cannot show a change of circumstances to modify at a later date; are at a severe disadvantage as they are usually not familiar with family and matrimonial law—and only assistance they get is from the court attorney or law secretary; pro se litigants tend to agree with what the represented side says even though the Court might not. Litigants fare better with counsel in nearly all instances, with the exception of unethical attorneys. There is a dramatic uptick in success, or the ability to present their whole case, if they are represented. Represented litigants end up with more favorable outcomes—either better settlements or more complete exploration of their cases. Very often, unrepresented litigants are unable to prove their case.</p> <p>Represented litigants almost always get better and fairer results. Represented litigants almost always have a better understanding of what has transpired and the obligations that flow from a decision or settlement. There is a significant and meaningful difference in the outcome of many cases where the litigant is unrepresented. The unrepresented litigants always get the short end of the stick no matter how much the judge tries to level the playing field. They lose versus they have chance to win.</p> <p>Biggest problem for pro se litigants is absences at their duly scheduled appearance, resulting in losing cases by default. Prevents pro se litigants from getting all they are due—may not get visitation with their child, or may lose their home, or get insufficient time to pay, etc.</p> <p>"Legitimate cases with real issues go much smoother when all parties are represented; on the other hand, providing free counsel to every litigant in Family Court is a terrible idea. Family Court has no filing fees and deals almost solely in human drama. The petition room turns away no one, so we are already swamped with frivolous, vindictive and baseless petitions that take a lot of time and resources, leaving fewer resources for the truly important work that needs to get done. So many times an ACS investigation is ordered of allegations made by a spurned ex-spouse, only to DWOP the case when he/she does not return to court. Inevitably, the ACS investigation is also unfounded. To add legal resources to this waste is just additional waste. Likewise, grandparents who don't come to court to file for custody until the child has been in foster care for five years and is about to be adopted. Just because you are over 60 does not mean you have a legitimate claim and are entitled to a lawyer at the taxpayer's expense."</p>	<p>26%</p>

<p>Unrepresented individuals with Alzheimer's, dementia, untreated mental health issues, or developmental or intellectual disabilities are disproportionately affected by a lack of representation—they are often unable to clearly and logically present their position, unable to appreciate the inconsistencies or faults in their arguments, unable to anticipate the realistic outcome of the litigation, or fail to anticipate the potential negative outcome and end up with an unnecessarily harsh result; there are opportunities when an advocate could help the individual get a modification or get the bank to act promptly on their case—but unrepresented parties have no one to do this advocating for them. Unrepresented litigants are often signing off on agreements/stipulations out of court, providing information to the wrong person, signing away their rights, unaware of what they can do to receive assistance, distrust the court and both judicial and non-judicial staff, etc. There is a likelihood that a pro se litigant would agree to things that an attorney would advise the client against.</p>	
<p><b>The <i>outcome</i> of the proceeding (cont'd.):</b></p> <p>In simpler child support and paternity cases, counsel can be superfluous, as paternity is generally determined by DNA testing, which is virtually automatic . . . and in child support cases, the guidelines determine many of the cases. Attorneys become more important in spousal and child support cases where the incomes are high and/or hard to determine—in those cases, the pre-trial work by an attorney can often make a great difference in the result.</p> <p>Attorneys are assigned to respondents in violation proceedings because of the threat of civil contempt; unfortunately, they are often overworked and uninterested in the cases so their impact on the outcome is depressingly small.</p> <p>The impact for those who are unrepresented is that they are unable to appreciate the consequences of self-representation. For example, if a pro se litigant on a family offense petition proceeds to trial when they have a criminal case pending at the same time, on the same allegations, they can jeopardize the outcome of the criminal case. Alternatively, if they have other cases pending in different courts—whether immigration, surrogates, landlord-tenant—at the same time as the family offense matter, they again may jeopardize the outcome of their other case. Unrepresented litigants are often treated the same because they don't present their cases adequately, when their problems may be entirely different.</p> <p>If it is a grandparent seeking custody because Child Protective Services fails to intervene initially—and either party is pro se—the outcome of their case may have an impact on the child's eligibility for services or aid through the Department of Social Services. Or, perhaps the grandparent will no longer be eligible for a child care subsidy if they proceed via a custody petition rather than obtaining custody under a neglect petition.</p> <p>At trial, pro se litigants have a less favorable outcome due to the fact that they are unable to get much of their evidence or objections before the court due to their unfamiliarity with rules of evidence and court proceedings. The court does not favor one litigant over another, but when a pro se litigant is unable to lay a foundation for evidence, and the other side's attorney objects, the court is obligated to follow the law and cannot try to level the field.</p> <p>Unrepresented litigants are at a serious disadvantage; outcome/results are poor; better and more just results when litigant has a good attorney; outcome is not always what is in the best interest of either party; I have not seen a result that is better for a litigant without legal counsel; a pro se litigant's outcome is about the same as their medical care would be without the doctor; unrepresented litigants are like sacrificial lambs—any lawyer worthy of the title will prevail; less comprehensive resolution, leading to future problems; pro se party is at a disadvantage on highly technical issues; for modification proceedings, there is a strong impact on the unrepresented party's chances of success; in Supreme Court, the pro se litigant is almost always negatively affected—the represented party rarely wants to compromise or even communicate with the pro se litigant; impact varies—even highly capable litigants are unable to properly prepare for, prosecute, or defend a hearing; litigants benefit from having counsel when a testimonial hearing occurs.</p> <p>Impact is mostly negative—however, if the judge spends time with the individual to explain the why and how, it takes some of the total sting off a negative decision; while the</p>	

<p>proceedings are longer, the outcome is generally the same; very little impact on outcome, as facts determine the cases.</p>	
<p><b>Litigant's understanding of the proceedings</b>, including: Generally, civil litigants without counsel have difficulty understanding the limitations/powers of the court, the relevant procedures, the nature of the proceedings, the law, and the legal concepts; when legal counsel is present, there is a clear understanding of the legal issue and the litigant is more informed; in foreclosure actions, unrepresented litigants are unable to raise any defenses and have a more difficult time with the modification process; the litigant has not been advised of the law, the hearing process, the burdens of proof involved; the Court may not give the litigant legal advice on how to proceed at trial; litigants do not understand what was discussed in the Court proceeding(s); litigants often have no one to consult regarding the basis for a decision; level of understanding varies—often pro se litigants do not bring needed documentation, especially on a case involving medical limitations; they are frequently unaware of how to present documentation at a trial; the Court cannot give legal advice but is dealing with people with no knowledge of the law or the process.</p> <p>"We handle thousands of motions, and those matters in which unrepresented litigants attempt to move for relief are often indecipherable; it is difficult to determine what legal theory an unrepresented litigant is positing and the "facts" are not supportive of the theory or prayer for relief."</p> <p>Pro se litigants do not know how to adequately challenge the evidence offered by the other side; they are unskilled at conducting an examination; they don't file discovery. Pro se litigants are unaware of the defenses or counterclaims they can introduce to support their case; they are unable to formulate a defense. The great majority of unrepresented litigants are clueless. Represented litigants introduce fewer irrelevant issues. For a litigant who does not speak English, or is in court for the first time, negotiating with an attorney in court is intimidating.</p> <p>Many times, the pro se litigant believes that just because they can afford the price of an index number, their claim must have merit. They don't know what to expect; unfamiliar with courtroom procedure, decorum; unrealistic expectations about the remedies available under the law; greater degree of emotional rather than intellectual response; represented clients are better advised that they have no case or can't prove their case—leading to more settlements; significant difference in understanding the import of the proceeding and procedural rights; there are cases that should not require fact-finding hearings to resolve the cases, but hearings are held anyway because the unrepresented litigants do not understand the issues and the probable outcome of the cases. Unrepresented litigants do not know that they can ask for certain things, that they don't have to agree just because someone else is asking for it.</p> <p>It is much easier to deal with folks when they are represented; faith in the system is lessened when litigants are not represented; litigants do not fully understand or trust the legal process when they are unrepresented; they begin the proceedings with unrealistic expectations, and are frustrated because they can't simply tell the Court their side of the story; they are angry when the result is not what they consider "fair." Pro se litigants are usually easily upset and angry—before, during, and after the court proceeding.</p>	<p>19%</p>
<p><b>There is little or no impact</b>, including: No real impact except in commercial claims matters, which usually involve more complicated matters; pro se presents some difficulties, but are not insurmountable; there is no impact; no impact at all; minimal impact; no difference; little difference; on post-matrimonial matters, I don't find much of a difference if they are pro se or not; not much difference for the litigants either way; if both sides are represented, litigants usually feel that they are being treated fairly and when all litigants are unrepresented, the parties also tend to feel that they are treated fairly; generally, self-represented litigants have the ability to understand, communicate, and effectively represent themselves in Support Court; for child support proceedings, there is little difference as per the CSSA guidelines; unrepresented individuals are generally able to address the issues of custody and visitation effectively; represented by counsel is usually better, but not always necessary—for example, in small claims cases, the pro se offices do not help most people competently; in some fields, such as small claims, it does not matter; in fact, often an attorney in small claims part can just complicate the issue; in</p>	<p>7%</p>

<p>my courtroom I fully explain the procedure to the unrepresented litigant and give them some leeway while they are presenting or defending their case; sometimes the pro se does better because I ask them specifically what I am looking for and ask for the necessary evidence.</p>	
<p><b>Miscellaneous impacts</b>, including: Guardians appearing without counsel are tremendously stressed and nervous about being called into Court for being out of compliance (and from being taken away from their caregiver role).</p> <p>Those with counsel benefit either from not having to personally appear or from appearing with someone who "knows what to do and say."</p> <p>It depends on the people involved.</p> <p>Justice and the Justice System in New York is positively impacted when a litigant is represented, and extremely negatively impacted when a litigant is unrepresented.</p> <p>It can work both ways—sometimes the attorney is picayune, sometimes it is the pro se party.</p> <p>Many litigants who do not have counsel do very well because the Child Support Standards Act Guidelines govern. Many litigants have counsel who are not fully familiar with the procedural and substantive Child Support law, and are at a disadvantage. Some litigants have excellent counsel, placing the unrepresented litigant at a significant disadvantage, but we do assign counsel to minimize the negative impact.</p> <p>In my county, I assign counsel to EVERYONE who has even a hint of mental illness or cognitive disability, even though the statute does not automatically allow that. The Public Defender and Conflict Defender offices comply with these requests.</p> <p>Whenever there is any doubt or question as to whether an individual has the cognitive capacity to understand proceedings and effectively participate, counsel is assigned. Other appropriate arrangements are made for issues such as hearing impairment. As long as an individual is able to comprehend the issues and effectively articulate their position, then the nature and difficulty of the issues have the greatest impact.</p> <p>When all litigants are represented, I feel more assured that all possible defenses and claims will be taken into consideration. On the other hand, it is sometimes easier to encourage settlements when both parties are pro se.</p>	<p>13%</p>

***Appointing an attorney or guardian ad litem when litigants appear without the benefit of legal counsel:***

Respondents were asked, "when litigants were unrepresented, how often did you appoint an attorney or a guardian ad litem to represent those litigants."

In the survey's Questionnaire, "how often" is defined as:

Never or very seldom:	0% - 9% of the time
Sometimes:	10% - 19% of the time
Often:	20% - 49% of the time
Very Often:	50% - 79% of the time
Almost Always:	80% - 99% of the time
Always:	100% of the time

**Appointing an attorney:**

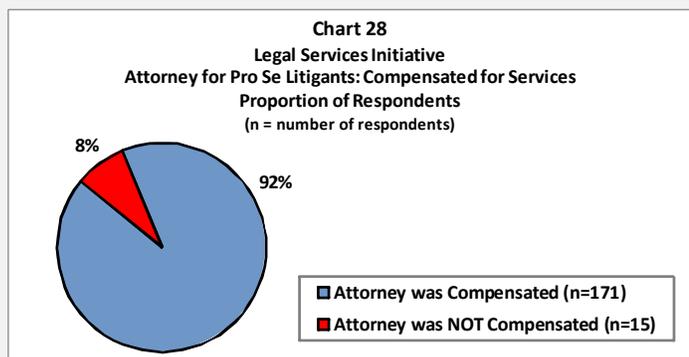
- Statewide, Table 12 shows that, for all six types of pro se litigants, the greatest proportions (45%- 53%) of respondents appointed an attorney "never or very seldom."

- Greater proportions of respondents appointed an attorney "almost always or always" for litigants with Alzheimer's/dementia (20% of respondents), mental health disabilities (20%), and litigants with developmental/intellectual disabilities (20%).

Litigant	How Often Respondent Appointed an Attorney				
	Never or Very Seldom	Sometimes	Often or Very Often	Almost Always or Always	Do Not Know
Older Adults (n=332)	53%	13%	11%	11%	12%
Alzheimer's/Other Dementia (n=326)	45%	6%	7%	20%	22%
Physical Disability (n=331)	53%	11%	10%	12%	14%
Mental Health Disability (n=328)	47%	9%	11%	20%	13%
Developmental and/or Intellectual Disability (n=327)	47%	8%	11%	20%	14%
Caregiver (n=317)	53%	6%	7%	4%	30%

**Compensation for attorneys:** Statewide, 186 respondents reported whether the attorneys they appointed for unrepresented litigants were compensated for this work. An additional 46 reported that they "did not know" whether the appointed attorneys were compensated.

- For the 186 respondents, Chart 28 shows that the greatest proportion (92%) of respondents reported that appointed attorneys were paid.
- Among the 171 respondents reporting that attorneys were paid, 80% reported that public funds were used, and 20% reported that private sources of funds were used to compensate attorneys.



**Appointing a guardian ad litem:**

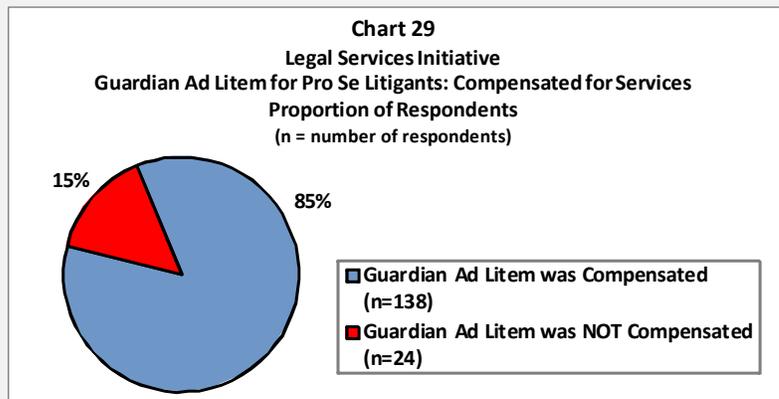
- Statewide, Table 13 shows that, for all six types of pro se litigants, the greatest proportions (51%- 71%) of respondents appointed a guardian ad litem "never or very seldom."
- Greater proportions of respondents appointed a guardian ad litem "almost always or always" for litigants with Alzheimer's/dementia (19% of respondents), mental health disabilities (16%), and litigants with developmental/intellectual disabilities (16%).

**Table 13**  
**Legal Services Initiative**  
**Appointment of a *Guardian Ad Litem* for Pro Se Litigants**  
**Proportion of Respondents**  
**(n = number of respondents)**

Litigant	How Often Respondent Appointed a Guardian Ad Litem				
	Never or Very Seldom	Sometimes	Often or Very Often	Almost Always or Always	Do Not Know
Older Adults (n=325)	71%	11%	6%	1%	11%
Alzheimer's/Other Dementia (n=325)	51%	4%	8%	19%	18%
Physical Disability (n=315)	67%	9%	10%	2%	12%
Mental Health Disability (n=319)	54%	9%	10%	16%	11%
Developmental and/or Intellectual Disability (n=313)	53%	7%	11%	16%	13%
Caregiver (n=304)	62%	3%	3%	2%	30%

**Compensation for guardians ad litem:** 162 respondents reported whether the appointed guardians ad litem were compensated for this work. An additional 55 reported that they "did not know" whether guardians ad litem were compensated.

- In Chart 29, a majority (85%) of the 162 respondents reported that guardians ad litem were compensated, and 15% said that guardians ad litem were NOT paid for this work.
- Among respondents reporting that guardians ad litem were paid, 75% reported that public funds were used, and 25% reported that private sources of funds were used to compensate guardians ad litem.



**Respondents were asked to list the types of court resources and the types of community resources they are aware of to help people who appear in court unrepresented.**

**Court resources for unrepresented litigants:** 180 NY City respondents reported 258 *court resources* they are aware of that are available for unrepresented litigants, and 118 Rest of State respondents listed 154 *court resources* they are aware of. 12 respondents reported that they "do not know" of any court resources.

Almost all respondents are aware of multiple resources; the 412 total resources reported are sorted into five categories in Table 14.

- The greatest proportions of respondents are aware of "various free legal services" (40%) and the "Office of the Self-Represented" (23%).

<b>Table 14</b> <b>Legal Services Initiative</b> <b>Court Resources for Unrepresented Litigants</b> <b>Proportion of 412 Resources Reported</b>	
Resource	Proportion of 412 Total Resources Reported
<b>Various free legal services</b> , including: Pro bono and volunteer legal assistance resources, Public Defender, 18B assigned counsel, Attorney of the Day Program, pro se attorney.	40%
<b>Office of the Self-Represented (Help Centers).</b>	23%
<b>DTY (do-it-yourself) forms</b> , including: Programs, resources, and interactive and downloadable forms on various Web sites and in the court house; referral lists; brochures; videos; television tapes.	19%
<b>In-house resources</b> , including: Court clerks, non-judicial court personnel, Law Library, Law Department, Probation Department, Referee Court Examiner, Motion Support Office, court interpreters, 141 Livingston Street.	18%

**Community resources for unrepresented litigants:** 131 NY City respondents and 100 Rest of State respondents reported *community resources* they are aware of that are available to help people who appear in court unrepresented. 36 respondents reported that they "do not know" of any community resources.

Community resources reported are listed alphabetically in Table 15.

- Two community resources reported most often are the Legal Aid Society (41 respondents) and LIFT—Legal Information for Families Today (35 respondents).

**Table 15**  
**Legal Services Initiative**  
**Community Resources for Unrepresented Litigants**

32BJ Union Legal Services	LGBT Center
Access to Justice web site	Library
Accord	Legal Services
Adult Protective Services (Dept. of Social Services—gov.)	LIFT (Legal Information for Families Today)
Aid to Victims of Violence	Litigant's guardian ad litem
Albany Law School	Local senior advocacy group
Alcoholics Anonymous	LSNY (Legal Services of New York)
Alternative Dispute Resolution Centers	McMahon/Ryan—Onondaga County
Andrew Weinstein	Mediation centers
Attorney for Children Panel	Mental Hygiene Legal Services
Bar Association Sandy/Foreclosure volunteers	Metropolitan Council on Housing
Bar Association's Modest/Moderate Means Panel	MFY Legal Services
BAS (Bronx AIDS Services, Inc.) Legal Services	Mid-Hudson Legal Services
Battered Women's Organization	Monica Getz' Justice Committee
BOOM Legal Aid	My Sister's Place
Bronx Bar Association	NAICA (Neighborhood Assoc. for Intercultural Affairs)
Bronx Defenders	Nassau/Suffolk Law Services Committee, Inc.
Bronx Foreclosure Center	Nazareth community service agency
Bronx Housing Court Senior Citizens Project	Neighborhood Legal Services
Bronx Works	New Hope Center
Brooklyn Bar Association	New York City Bar Assoc.—Hot Line
Brooklyn Family Defense	New York City Bar Assoc.—Justice Center
Brooklyn Legal Service	New York City Bar Assoc.—Legal Referral Service
CAMBA Legal Services (CLS)	New York City Department for the Aging (gov.)
CASA (Community Agency for Senior Citizens)	New York City Family Justice Center
CASA (Court Appointed Special Advocates)	New York State Commission on Women in the Courts
Catholic Charities Victims Advocate Program	New York State Kinship Project
Center for Safety and Change	New York Women's Bar Association Pro Bono Panel
Children's Law Center	Ninth Judicial Dist. Commission on Gender Fairness
Children's Rights Society	Nixon & Peabody (law firm)
Churches	Northern Manhattan Improvement Corporation
Claro (Civil Legal Advice and Resource Office)	Northern Westchester Shelter
Coalition for the Homeless	NYLAG (New York Legal Assistance Group)
Community centers	OCSE (Office of Child Support Enforcement)
Community resource coordinators	Office for the Aging (government)
Community-based legal service organizations	Onondaga Co. Bar Assoc.—Volunteer Lawyers Prog.
DC-37	Pace Law School
Debbie Rose's office (Councilwoman)	Palladia community service agency
Department of Social Services	Peninsula Counseling Service

Division of Housing & Community Renewal (gov.)	POTS (Part of the Solution) Legal Service
Domestic violence advocacy groups	Putnam Women's Resource Center
Empire Justice Center	Queens Community House
Erie County Help Center	Queens County Bar Association
Erie County Volunteer Lawyers Project	Queens Legal Service
Family Enrichment Network	Rent Stabilization Association
Family Institute	Retired attorneys and judges
Family Services Society	Safe Center—domestic violence
Family Justice Center	Safe Horizons
FEPS Program (Family Eviction Prevention Supplement)	Sanctuary for Families
Fordham program at 111 Centre Street	Settlement houses
Forest Hills Community Services	Shearman & Sterling (law firm)
Friends of the North Country	Social Services Department (government)
Good Old Lower East Side	Social workers
Goodard Riverside community service organization	SBLS (South Brooklyn Legal Services)
Grandparents Advocacy Program	Southern Tier Legal Services
HIV Law Project	SRO Law Project
Hofstra Forensic Services	STEP Job Program
Home Base	Suffolk Co. Bar Association Lawyer Referral Service
Homeless Shelter case workers	Suffolk County Pro Bono Project
Housing Court Help Center	Sullivan and Cromwell (law firm)
Housing Task Force	Support Collections Unit—local office
HRA (Human Resources Administration—gov.)	Synagogues
Hudson Valley Legal Services	The Door
Hudson Valley Volunteer Counseling	The Legal Project
In Motion	Touro Law School clinic
JASA (Jewish Association Serving the Aging)	Urban Justice Center
JASPA (Jesuit Assoc. of Student Personnel Admin.)	United Tenants organizations
Justice Center	Unity House—domestic violence
Justice for Her	Various local/county Bar Associations
Kinship Navigator	Vera Institute
Latino Lawyers Association	Veterans organization
Law school programs/students	Volunteer Lawyer Project
Lawyers Concerned for Lawyers	Volunteer Legal Services Project
Lawyers for Children	Westchester County Office for Women
Legal Advice Center at 141 Livingston Street	Western New York Law Center
Legal Aid Society	YAI (Young Adult Institute)
Legal Assistance Program—Area Agency on Aging	Young Fathers
Legislative offices (government)	

**Section VIII**  
**Knowledge of Litigant Groups**

**How knowledgeable are members of the Judiciary about older adults, individuals with three types of disabilities, and caregivers** (for example, these population's characteristics, traits, needs, preferences, attitudes, abilities, the aging process, caregiver tasks and responsibilities, elements of living with a disability, etc.).

Respondents were asked for their opinion of how knowledgeable three Judiciary groups are about the five population groups. Respondents' ratings are reported in Table 16.

- For all 5 population groups and all 3 Judiciary groups, respondents' ratings of knowledge-level is not congregated in any one category, but is distributed across the three rating categories, as well as the category “do not know.”
- **Caregivers:**
  - In comparing the five population groups, greater proportions of respondents rate the knowledge level of all three Judiciary groups as "slightly knowledgeable or not knowledgeable" regarding caregivers.
  - Compared to ratings for the other four population groups, substantially greater proportions of respondents report that they "do not know" the knowledge level of the three Judiciary groups regarding caregivers.
- **Non-attorney/non-Judicial staff:**
  - Across the two rating categories "very knowledgeable" and "fairly knowledgeable," respondents rate the knowledge level of non-attorney/non-Judicial staff lower than that of Judges and non-Judicial attorneys for all five population groups.
  - Greater proportions of respondents rate the knowledge level of non-attorney/non-Judicial staff to be "slightly knowledgeable or not knowledgeable" regarding individuals with mental health disabilities, individuals with developmental/intellectual disabilities, and caregivers.

**Table 16**  
**Legal Services Initiative**  
**3 Judicial Groups: Knowledge of 5 Population Groups**  
**Proportion of Respondents**  
**(n = number of respondents who rated the Judicial group)**

Judicial Group	Proportion of Respondents That Rated Each Group as:			Proportion of Respondents That Do Not Know
	Very Knowledgeable	Fairly Knowledgeable	Slightly Knowledgeable or Not Knowledgeable	
<b>How knowledgeable about—</b> <b>OLDER ADULTS (60 and older):</b>				
Judges (n=336)	25%	41%	15%	19%

Non-Judicial staff who are attorneys (n=334)	19%	38%	19%	24%
Non-Judicial staff who are not attorneys (n=337)	12%	36%	28%	24%
<b>How knowledgeable about— people with <i>PHYSICAL DISABILITIES</i>:</b>				
Judges (n=337)	18%	43%	18%	21%
Non-Judicial staff who are attorneys (n=332)	15%	40%	22%	23%
Non-Judicial staff who are not attorneys (n=333)	10%	38%	26%	26%
<b>How knowledgeable about— people with <i>MENTAL HEALTH DISABILITIES</i>:</b>				
Judges (n=338)	20%	37%	22%	21%
Non-Judicial staff who are attorneys (n=334)	13%	34%	29%	24%
Non-Judicial staff who are not attorneys (n=333)	8%	29%	37%	26%
<b>How knowledgeable about— people with <i>DEVELOPMENTAL</i> and/or <i>INTELLECTUAL DISABILITIES</i>:</b>				
Judges (n=334)	15%	39%	25%	21%
Non-Judicial staff who are attorneys (n=328)	12%	33%	31%	24%
Non-Judicial staff who are not attorneys (n=330)	9%	26%	39%	26%
<b>How knowledgeable about— informal, unpaid <i>CAREGIVERS</i> for people who are frail, impaired, incapacitated, or elderly:</b>				
Judges (n=333)	13%	24%	27%	36%
Non-Judicial staff who are attorneys (n=328)	11%	20%	30%	39%
Non-Judicial staff who are not attorneys (328)	8%	20%	32%	40%

**Section IX  
Training**

**Training topics that would be most useful for advancing a goal of ensuring “equal access to justice”:**

Respondents were asked to list up to 3 areas of training they wanted for themselves, as well as areas that would be useful for other judges and non-Judicial attorneys and areas that would be useful for non-attorney/non-Judicial staff.

**Training topics respondents suggested for themselves:** 112 NY City respondents listed 168 training topics and 87 Rest of State respondents listed 129 training topics they felt would be most useful for themselves. The 297 total topics are categorized in Table 17.

<b>Table 17 Legal Assistance Program Training Topics Respondents Would Find Most Useful for Themselves Proportion of All 297 Topics Listed (n = number of respondents listing topics in the category)</b>	
Training Topic	Proportion of All 297 Training Topics
<b>Mental Health Disabilities</b> (n=69), including: Managing cases where a party has a mental health disability; how to conduct a proceeding with mentally ill litigants—especially those who have anger issues or those who are pro se; reasonable expectations for litigants with mental health issues; dealing with mentally ill individuals; understanding the psychology of mental health patients—their ideas, goals, and needs; understanding the ability of mental health clients to understand courtroom procedures and concepts; explanation of different mental health conditions; how to recognize/identify mental health issues; diagnosing mental illness; signs of mental illness; understanding the complications caused by use of prescribed medications and illegal drugs; better assessment tools to evaluate mental illness; understanding subtle manifestations to distinguish between mental illness, intellectual deficits, and dementia; seminars on all areas of mental health; training on specific mental health topics, such as hoarding.	23%
<b>Resources</b> (n=51), including: Learning about outside/community resources that are available to us; information on criteria for eligibility for available resources; information about available on-line programs; having a guide to available resources for litigants with mental health diagnoses; identifying services and programs available for older adults; available resources for people with physical disabilities; learning about employment programs for the unemployed; it's not a question of training—it's a question of having the resources to assist; don't spend money on training—spend the money on giving us resources; spend resources on providing attorneys—not lay people advocates—for pro se litigants rather than on training; understanding Adult Protective Services and other available community resources; understanding the different types of agencies and their roles for older adults, people with disabilities, homeless litigants; how to advise pro se litigants to see out counsel or legal resources; updated information on legal referral services available through the court system; training on where to refer pro se litigants; understanding government and non-profit services; workshops on accessing Adult Protective Services, OLA community services, new systems at Human Resources Administration, social workers, and mental health professionals; training on how to get resources for litigants without violating ethical judicial rules of representation.	17%

<p><b>Older Adults</b> (n=31), including: Understanding the aging process; understanding elder abuse, dementia, Alzheimer's, the effects of dementia, effects of aging on cognitive abilities; understanding specific mental diseases associated with old age; learning about elderly people—both with and without physical disabilities and both with and without dementia; learning about the issues facing older adults who have few resources; effectively interacting with older adults; how to handle pro se older litigants; seminars on aging; update on elder law; how to identify people suffering from Alzheimer's or other dementia.</p>	<p>10%</p>
<p><b>Developmental and/or Intellectual Disabilities</b> (n=26), including: Understanding developmental disabilities and intellectual disabilities; effective interactions and communication with persons with these disabilities; basic training in identifying/recognizing individuals with cognitive impairments; making proper accommodation for people with these disabilities; how to properly serve people with developmental or intellectual disabilities.</p>	<p>9%</p>
<p><b>Miscellaneous Topics</b> (n=103), including:  Elements of living with a disability and a general overview;  Understanding the psychology of individuals with various disabilities;  Understanding the various types of physical disabilities, and the issues faced by people with physical disabilities;  Caregivers; what is involved in caregiving responsibilities; issues faced by caregivers;  Litigants who are pro se;  Effectively interacting and communicating with litigants with special needs of any type;  On-going training on latest research in scientific areas, such as brain development, dementia, etc.;  Regular training on developments in evidentiary and substantive areas of the law;  Regular briefings on specific issues having an impact on the communities in my jurisdiction;  Guardian ad litem proceedings;  When are Article 81 proceedings appropriate;  Guidelines on evaluations;  Mediation skills;  Provide an advertised hotline where educational information can be obtained for all who are interested—including basic facts/guidelines on governmental and legal institutions available for assisting people with special needs and the general rights of individuals with special needs;  Knowledge of the courtroom;  A primer on what "equal access to justice" really is;  Utilization of guardians ad litem, including the process of appointing a guardian;  Language-access/barriers issues;  Multicultural training; cultural sensitivity;  Balancing a leveling of the playing field for pro se parties with not being an advocate for either side; limitations on judicial intervention in proceedings;  How far can and should a judge go in assisting the impaired pro se litigant;  Determining when counsel should be appointed . . . and from where;  Use of technology to assist pro se parties;  How to provide meaningful assistance for litigants navigating the Courts;  Dealing with difficult litigants, including those who refuse to follow court directions;  How to deal with people who need additional help beyond what the case entails;  What questions to ask of the litigants who are in distress and need the court to be supportive of their needs;  Guidelines, limitations, and qualifications for specific programs that are available to assist pro se litigants.  Training on all areas of disability, caregiving, and older adults;  Lectures; books; continuing legal education;  More seminars;  Seminars on communication;  On-line training; computer training;  How unpaid/informal caregivers are obtained by the individuals, including the extent they are involved with the individual's life;  Film on the life of an adult disabled person and their caregivers;  Day-in-the-life presentations;  Litigant testimonials regarding their personal experience in Court;</p>	<p>35%</p>

Skills in dealing with people with limited ability to understand court proceedings; Skills in dealing with people with various behavioral issues caused by anger, fear, and lack of understanding of court proceedings and protocol.	
<b>No Training Needed or Do Not Know</b> (n=17)	6%

**Training for other Judges:** Primarily, respondents suggested the same training topics for other Judges as they suggested for themselves, or they felt they could not speak for other Judges. Several respondents suggested the following additional training topics for the court system's Judges:

- Learning about the needs of litigants who have mental health issues because of addiction and how this population frequently intersects with the criminal arena.
- Ability to understand that many older adult litigants are unable to give "yes" or "no" answers and the fact that their communication can be very roundabout to get to the true essence of the information that they need to convey.
- Understanding the differences in how older or disabled people communicate vs how younger or able litigants communicate.
- Understanding post traumatic stress disorder.
- Reviewing applications for assigned attorneys and having a uniform method of determining whether applications are approved.

**Training for non-Judicial attorneys:** Again, respondents primarily suggested the same training topics for non-Judicial attorneys as they suggested for themselves, or they felt they could not speak for these attorneys. Several respondents suggested the following additional training topics for non-Judicial attorneys:

- Understanding the need to broaden their definition of "zealous advocacy" to include the counselor-at-law component; that is, to see beyond the quickest route from intake to resolution of the case and to consider long-term best-case practices for the client in their life.
- Reviewing applications for assigned attorneys and having a uniform method of determining whether applications are approved.
- Immigration law regarding Special Immigrant Juvenile Status and the U visa (a U visa applies to immigrants, including undocumented immigrants, who are the victims of certain serious crimes and who have cooperated with authorities in the prosecution of the perpetrator).

**Training for non-Judicial/non-attorney court personnel:** Respondents' suggested training topics centered on:

- Understanding the characteristics of the various population groups.
- How to appropriately communicate and interact with individuals who are older or have any of the various types of disabilities.
- What questions are permissible to ascertain a litigant's health limitations and/or capacity.
- Understanding the special vulnerabilities of older or disabled individuals.
- Sensitivity training regarding different cultures and different abilities.
- Sensitivity to and understanding the impact of illness of any kind on a family.

- Racial and sexual sensitivity training.
- How to appropriately handle situations if litigants act out violently or fail to understand the specialized language & expectations imposed on them in court.
- Skills in dealing with people who are frightened and/or upset.
- Understanding the basics of foreign languages, sufficient to help people find interpreter help and to feel communicated with.
- Available community resources.
- Use and proper completion of specialized forms for pro se litigants.
- Proper attitude and demeanor when dealing with the public to ensure access to the courts, including appropriate handling of individuals on the telephone and those who appear at the courthouse public-access windows.
- Repeated training on understanding the difference between giving assistance and giving legal advice.
- Judicial ethics of communicating casual comments made by pro se litigants to non-attorney staff members that may be pertinent to the case but have not been formally shared with the judge.
- Understanding dementia.
- Training on the process of appointing a guardian ad litem.
- Kindness, patience, tolerance, understanding, and courtesy.
- Knowledge of how to direct people to resources they may use.

**Section X**  
**Court System: Suggestions for Ensuring Just Outcomes**

Respondents were asked, “If you could change anything about New York State’s Unified Court System to better ensure that cases would achieve a just outcome, what would those changes be.” Comments by 134 NY City respondents and 90 Rest of State respondents are provided in Table 18.

<b>Table 18</b> <b>Legal Assistance Program</b> <b>Respondents' Suggestions Regarding the Unified Court System</b> <b>for Better Ensuring That Cases Achieve a Just Outcome</b>
<b>134 Suggestions by NY City Respondents</b>
<b>Training &amp; Communication:</b>
Restore judicial education to New York judges in a meaningful way.
Continuing legal education for attorneys representing the affected classes.

Restoration to the Judicial budget of judicial seminars, in which judges could connect with one another and trade techniques for dealing with various common issues, including dealing with unrepresented parties.
Additional educational programs for court personnel on mental health and personality issues as relates to the ability of litigants' ability to understand and participate in all proceedings.
Annual mandatory sensitivity training for all employees who interact with the public.
Better trained judiciary and support staff; in-person education; updated books and other resource materials in the court libraries; courtrooms with access for everyone.
Better information on adult protective services.
Judge training.
Better training for judges on developmental disabilities and mental health issues.
Litigants should be more prepared, including realistic expectations.
Better sensitivity and interaction with the jury pool; continuing training for Judges and staff; reaching out to form partnerships with various not-for-profit organizations to set up programs to ensure access to justice is a goal.
Have the Department of Social Services better prepared to inform the Court about the litigant's lack of income, special needs, etc.
<b>System's Structural Changes:</b>
A right to counsel in civil proceedings would obviate the need to make significant changes to the Unified Court System. That said, overhauling our applications for emergency relief would be a good first step.
Appoint attorneys for the elderly.
Institute across-the-board standards and goals to achieve uniform and timely resolution of litigation.
Fewer programs and more money to keep parts and courts open.
Concentrate less on the number of dispositions and provide more resources, especially for motion practice.
Allow each side to articulate its claims and/or defenses to assure that the fact finder can render an informed decision.
The location of the Courthouse for 141 Livingston Street—the building itself is not a courthouse; the building is depressing for the entire staff, practicing attorneys and self-represented litigants. Replace the judicial and non-judicial where there are open lines—141 Livingston has very few staff to handle the voluminous case filings and caseloads.
Make legal counsel for civil matters a right, as it is in criminal cases.
Ensure that the judges have patience and explain the process to the pro se litigants. Make the building more user-friendly and conducive to justice, which would put both the judges and litigants in a more relaxed and cooperative mood.
Expand the investigation of assets of non-custodial parents and provide that information to the Magistrates on a regular basis.
Allow for court-appointed representation in all child support and spousal cases where litigants have physical and/or mental disabilities.
Would mandate that all custody litigants be required to meet with a court-employed social worker BEFORE either party sees the judge/adjudicator. The Social Worker would review with the parents what the issues are between

the parties and would review the court process with both parties. The Social Worker would also be enabled to make referrals, where appropriate—for ex., parenting skills classes for first time parent, e.g.
More availability of attorneys and the court's right to appoint them.
Streamline barriers between courts that deal with issues concerning the mentally ill (the special part for Article 81 proceedings with a housing angle is a good start).
Ensure greater access to legal representation.
Prepare information to pro se litigants on the type of proof needed to bring/defend an action. Informational video (for small claims) on the procedure(s) & what is a realistic outcome of the case. Increased referral to the self-help part; litigants should be directed here first (before proceeding to their designated part).
Respect for ourselves and from the public and the bar; better physical facility; clean bathrooms, hot water in bathrooms, eliminate horrendous conditions for litigants and their children; lawyers' rooms; treating judges as elected or appointed officials and not as employees.
Allow for smaller court calendars so that judges and other court personnel would have adequate time to devote to problem cases.
Charge a fee of \$5.00 per filing after the first filing each year.
Make the courts more welcoming.
Smaller case loads so jurists can devote more time to each case.
Court merger and an appointed judiciary.
Court review of initial filings with litigant.
Assigned counsel.
Increased right to court-appointed counsel in more types of child support cases.
Since family support is my area: a reworking of the guidelines is essential. The self-support reserve is laughable. Try living in NYC on \$15,000.00 a year. The guidelines are based a model of an intact married family, which is dissolving. The vast majority of the support caseload never met this model. The guidelines do not adequately address the issue of multiple families, leaving one or more households with minimal support while the earlier litigants receive the lion's share of the NCPs resources.
Encourage representation for litigants with a meritorious claim. Have facilities that encourage respect for the process—both in cleanliness and order and in hours. It is difficult when no one answers a phone, courtrooms are locked without explanation, and decisions are not rendered timely. The system must operate efficiently.
Use all resources available to relocate the Civil Court in Kings County.
Greater physical access to people with disabilities of all types. Appointment of Counsel in more cases. Social Workers in the Court to guide litigants who need services in connection with their litigation. More Interpreters. Better technology for hearing- and reading-impaired.
There should be an increase in legal services for lower-income litigants, an expansion in the Guardian Ad Litem programs (including an increase in the payment received by these Guardians), and an increase in the number of foreign language and hearing-impaired interpreters.

<p>Ensure that unrepresented litigants are fully aware of the resources available to them (legal aid, online resources) when they appear in court to file any paperwork on their own.</p>
<p>Fully staff the Courthouses that have the highest volume of work.</p> <p>Stop permitting a waste of resources; e.g., Administrative Judges riding in SUVs while 5 adults have to jam into a Prius in order to travel to out-of-Court assignments; overpriced security vests that female officers are told to wear even though they are made for men and, as a result of them being ill-fitting, do not provide the protection they are supposed to provide.</p> <p>Stop "reaching" people on lists for promotion to engage in a preferential hiring system. Stop letting Administrative Judges fill non-competitive lines with "friends." Eliminate nepotism—if more than one relative is working in a particular courthouse, someone should be transferred . . . it ruins the morale for the rest of the staff.</p> <p>Eliminate the third court attorney line for the self-perceived elite Commercial Division Judges. Most of the work done in Supreme Court NY County is done by "Actings" who have now been told that they cannot hire a second junior inexperienced court attorney.</p> <p>If you wonder how any of this is relevant to the elderly, disabled, or otherwise disadvantaged, it is directly related to productivity, morale, and general well-being. If the Courts are productive and professional, all litigants are better served.</p>
<p>Develop a pro bono or other similar program where unrepresented litigants can obtain counsel to represent them in various proceedings.</p>
<p>Eliminate no-fault cases—congested dockets.</p>
<p>Try to set up more programs where pro se litigants could get pro bono representation.</p> <p>Provide more translators.</p> <p>In Consumer Credit cases, implement the systems and protocols that are used in New York City in all the State's courts.</p>
<p>If litigants are given sufficient time to state their case in court, even if they are unsuccessful they will leave with the feeling that the Courts are a place where they may be heard. Allowing sufficient time for litigants to be heard is paramount to their belief that the Courts are where justice lives.</p>
<p>Provide assigned counsel to all litigants who cannot afford representation.</p>
<p>Access to trained volunteer attorneys.</p>
<p>Provide a courthouse coordinator for referrals to services and a roster of programs and services available to each judge and office. Ideally, ensure that all litigants have legal representation available.</p>
<p>Provide free counsel for the indigent and middle class in all divorce cases involving the care and custody of children and child support.</p> <p>Provide more interpreters.</p> <p>Provide greater resources for mediation/arbitration and other forms of alternative dispute resolution.</p>
<p>First, our building is too small and does not have enough space to accommodate the litigants.</p> <p>We need to grant preferences to the elderly. Their cases need to be screened to determine their individual needs at the first stages of the cases. If the individual needs mental assistance, we need Adult Protective Services to be present to interview the litigant to determine their individual needs. A special calendar or a part of the calendar should be exclusively for the elderly and/or handicapped. We need a comprehensive written application to determine needs for the elderly.</p> <p>This building is in such poor condition that the litigants suffer greatly when they are here. Even the bathrooms are in poor and dilapidated condition. Many of our complaints, which further aggravate the elderly and handicapped,</p>

affect them too. It is sinful that we do not have sufficient handicapped bathrooms for the elderly. When they do get access, the bathrooms are often filthy and dangerous since they are only cleaned once a day. Paper, water, and debris often are found in the bathrooms. So even when we can get them in the bathroom, they complain about the condition of the bathrooms. Cleaning, once a day, is insufficient for such a busy place as Brooklyn, with the special problems that we already face with displacement of the elderly and other minorities due to gentrification of our communities.

The elevators are just plain ridiculous. Although the officers perform their jobs effectively and the new system in which there are ropes to segregate the litigants are very helpful, the elderly still have a hard time. Imagine: you try getting into an elevator crowded with people in a wheelchair or with a cane or in most instance, a large walker. It is not easy and they are often discouraged coming here. Many of our seniors have made a significant contribution to our country and should be treated with dignity and respect in the courtroom. A separate calendar and separate handling of those cases should be our priority.

I see more and more people that are mentally ill and need help that is beyond their individual cases. Those issues affect the case, the handling of the case and ultimately the result. We should consider having a doctor or other paraprofessional as part of the court team.

Make sure poor people have competent representation regarding important issues in their lives, housing for one.

I would like to see a program of representation for the working people. There are so many cases where the litigants before me are in a situation that they cannot afford representation, but they do not qualify for existing programs. Perhaps a program with a sliding fee schedule based upon the individuals income.

In the matrimonial area, all parties including children should be represented by an attorney!

Representation in foreclosure cases; representation for people over 70 years of age.

Legal representation for those who are unable to afford an attorney and for those who are in need of assistance due to mental or physical limitations.

All litigants, particularly those with rent regulated apartments, should be entitled to an attorney (free or on a sliding scale) in housing court.

Better physical facilities so each case can be conferenced, sitting down, in a clean and quiet environment.

More limited preemptory challenges in civil cases, to ensure more aware jurors, and have judges decide amounts of damages.

Attorneys should be available to litigants.

Early mediation for actions involving pro se litigants.

More effectively publicize the availability of resources to vulnerable litigants.

Social workers and trained staff to assist litigants in navigating the court process.

Fewer cases per judge.

Universal right-to-counsel in all civil cases that involve property and governmental action.

I would have a mandatory filing fee of \$25 for all cases except child abuse and orders of protection in family court. I would devise a system where jurists would not have to read exparte mail from litigants. Support staff should answer these letters advising that they are not appropriate. There are too many frivolous petitions. A \$25 filing fee would curtail this.

Provide judges with paid Guardians Ad Litem and paid lawyers so individual judges need not scramble around looking for free GAL or call up a lawyer friend to do a favor in Article 78 cases against the New York City Housing Authority and the Department of Social Services, and landlord-tenant cases at the trial and appellate levels.

<p>There should be an assessment to determine if the case is meritorious as there are many litigants who are serial litigants on frivolous claims who clog up judicial resources. They should not be given free legal services to help file frivolous cases against their former paramours, etc.</p>
<p>Expedite proceedings.</p>
<p>Institute filing fees for support cases to reduce the volume so that support magistrates may devote additional time to non-frivolous cases. Use text messaging to litigants regarding their upcoming court date and the documents they need to produce.</p>
<p>More problem-solving courts, with trained dedicated staff attached. Direct and immediate access to community resources.</p>
<p>Make the courts more user-friendly for everyone. Improve the plant so that everyone has easy access to all floors in the building (e.g., finally resolve the situation with the elevators; make all doors ADA compliant).</p> <p>Increase the number of clerks to pre-crisis numbers to permit the timely processing of all papers (e.g., the backlog makes the system impossible for everyone, including pro se litigants). Increase the clerical staff in the County Clerk's office to eliminate the backlog. Increase the number of court officers to allow the court to open up before 9:30—for litigants to get counseling at the resource center. Place the Resource center in a comfortable location.</p> <p>Increase the number of judges to the constitutional mandate.</p> <p>Provide better counseling to all pro se litigants. In lower civil court, open the court for evening hours for housing court and small claims court.</p> <p>By improving the budget for the court system and restoring the cuts, judges, clerks, and attorneys would be better able to serve the entire community, including pro se litigants. With respect to Part 36 appointments, increase the cap to \$125,000; for 18-B, increase the hourly compensation.</p>
<p>Have the judges talk to the litigants directly, to determine what the REAL issues are.</p>
<p>Individuals with disabilities should have some type of priority. They should be given some type of representation. It is extremely frustrating when no one assists those who are most vulnerable.</p>
<p><b>Resources:</b></p>
<p>More interpreters, more civil legal service lawyers, more Help Center employees.</p>
<p>Have attorneys present in court ready to assist litigants on a daily basis.</p>
<p>Legal representation for all litigants. More Spanish language interpreters. More resources in the form of staffing and dissemination of information: i.e., pamphlets in various languages, seminars, etc. Assistance at the outset in preparation of answers and orders to show cause. Early intervention and referral for assistance.</p>
<p>More interpreters. More judges and court attorneys. More legal services attorneys. More help in general for the underserved.</p>
<p>We've had a lot of training. We need more STAFF: clerks, pro se attorneys, attorneys, GALs, and sign language and court interpreters.</p>
<p>More training and more resources for access to pro bono services, and legal services agencies to appear on all unrepresented cases.</p>
<p>Increase staffing at Legal Aid / Legal Services, and to those organizations listed above.</p>

More judges and staff to get the cases done more quickly.
More conference parts with security; more court personnel who could explain procedural aspects of a case; more facilitators and conference court attorneys; replace some of the IDV staff lost to budget cuts, such as social workers, court attorneys, and/or resource coordinators.
Have court-appointed attorneys.
More manageable calendars, more clerks for paperwork.
Increase the number of judicial and non-judicial personnel so that we can devote more time to each case.
Provide more interpreters; more support staff; more Do-It-Yourself stations. Support staff to greet unrepresented in each department or at least each court.
More staff so we would have the time to spend explaining things or having parts unofficially geared to deal with difficult/more time-consuming litigants (with reduced case load). Better yet, have really good offices for the self-represented, staffed full time with attorneys dedicated to spending the time necessary to help people through this process.
Enable the judges to devote more time to each case, which can be achieved in part with a greater number of judges and support staff.
More judges; more time; fewer cases. More conferencing of the cases prior to trial. More interpreters
Expeditious resolution, lesser case load, stricter provisions for re-filings, better representation for pro se litigants on enforcement petitions.
Appoint more magistrates. We have had a tremendous increase in case load as a result of the loss of many magistrates. The increased case load severely limits the amount of time that can be spent on a case. At present I am scheduled with 10 cases per hour—at times for days at a time. Many cases in our county are extremely complex and cannot be decided in 5 or 6 minutes. This results in adjournments. The parties deserve their day in court and to have the case decided expeditiously.  The ability to assign attorneys to both parties anon a willfulness case. At present only the respondent can be assigned an attorney.  A new efficient design of the support calculation program on UCMS and paperless entries, which would eliminate putting information into the system multiple times and which does not require going from page to page to enter information.
Additional resources across the board.
Continued and increased funding pursuant to the Chief Judge's initiative for legal services.
Provide adequate resources in all areas.
More resources.
Increase staff to assist with caseload in order to allow all judges and staff the ability to give the matter before them the appropriate attention.
More judges, more court attorneys, more interpreters.

Also, more extensive in-depth training in substantive and procedural law for judges and court attorneys.
Expanded access to information for unrepresented litigants and more on-site availability of interpreters.
More funding for ACP and APS. A separate non-judicial fund should be created from taxes. Bar Association dues to provide for legal services for the elderly and disabled. Special training could be provided to the attorneys and staff so that they would be familiar with landlord-tenant proceedings. This separate fund would apply to those persons who would benefit from representation but do not qualify under the other programs for assistance. More judges and court attorneys would be helpful as it would enable court personnel to make more thorough inquiries on all cases about the physical and mental condition of the parties.
Provide attorneys to unrepresented litigants. Provide more interpreters for non-English-speaking litigants. More non-business hours for working litigants.
More pro se offices with attorneys on staff.
Increase the number of judges.
More and better interpreters. More attorneys for unrepresented litigants. Better accessibility for individuals with disabilities, including better resources for persons with mild-significant problems hearing, seeing, ambulating. More, better trained personnel at Help Centers.
Resources to appoint counsel.
Hire more staff to assist litigants.
We need more judges and support staff.
More Court Interpreters.
Additional resources.
Additional resources and representation for people with mental and physical disabilities.
I would greatly increase the number of judges and support staff within each court facility so all people could obtain their outcomes quicker.
More attorneys available to represent litigants of limited means.
More magistrates so that people wait less for orders and hearings.
More judges doing more trials so that people do not have to wait years for their cases to be resolved. A "just outcome" is in the eye of the beholder.
Have more jurists so that each case could be given more time to adjudicate.
Ensure a cadre of attorneys or paralegals to assist the different categories of litigants.
More jurists to handle the large volume of work in family court.
Provide more monies to the legal services that provide representation.

Provide more judicial and non-judicial personnel. With not hiring, and the filings remaining the same or higher, staff do not have the time to help pro-se litigants.
More resources and alternatives to support AIP's in getting justice and in living with dignity. The Court needs more guardians and attorneys to work in this area. More and more of these cases are no-asset cases, yet the need for guardians soars. Although the list is long, there are few if any who are willing to take guardianships at all. The need for attorneys in these cases has swamped Mental Hygiene Legal Service, and there seems to be no hope on the horizon.
More judges, longer opening hours for courtrooms, more input from the people who actually handle cases when making policy and operational decisions.
Greater number of attorneys to appear pro bono for unrepresented litigants. More access to legal service providers for middle class people who may be able to pay the attorneys fees but at a reduced rate.
More money for representation for low-income litigants and more people to serve as a guardian ad litem.
Additional personnel are necessary.
Additional staff to assist litigants—especially self-represented litigants—navigate the system; additional space so litigants can wait for their cases to be heard with dignity and not pouring out into the hallways.
Increase judicial and staffing resources and technology.
More judges and technology.
Assign more resources and clerical/court officer staff to handle the large caseloads.
Social workers to provide assistance to judges when necessary regarding making decision for MHS.
The hiring of more adjudicators and support staff for the exceptionally high volume of cases in the Family Court.
Better pro se resources, more readily available interpreters, and training for all staff and judges so as to better recognize the public's concerns.
More judges and staff to deal with the huge volume of cases, especially in Queens where there is the greatest shortage compared to the size of the population.
Resources in the form of additional staff would be the most beneficial change I would suggest—to achieve a just outcome—as well as the ability to assign counsel.
More judges.
Additional interpreters, additional staff in the mental health clinic so that more cases could be handled by the clinic.
<b>Miscellaneous Positive Comment:</b>
A very good job is done now.
<b>90 Suggestions by Rest of State Respondents</b>
<b>Training &amp; Communication:</b>

Provide forums that permit Justices to get together in person to forge personal and professional relationships to foster the exchange of ideas and information.
Judges and staff need training about the special needs of all kinds of people. While not universal, there are far too many manifestations of sexism, racism, and bias against LGBT litigants. Sensitivity training wouldn't hurt anyone; unfortunately, Judges in particular don't feel they need it. I attended a seminar at the Judicial institute about the disproportionate number of black males in the criminal justice system and family court system . . . 95% of the attendees were African American judges.
Require education for everyone in Matrimonial or Family Court practice—in a course that is at least the equivalent of a B.S. in psychology or social work. Require education for everyone in the appropriate manner to recognize and minimize subtle biases and prejudices (cultural/racial, LGBT, physical impairments, psychiatric conditions) and to facilitate cases and to understand and accommodate litigants, witnesses, and lawyers in the most professional and bias-free way.
Train staff on language-access issues.
More unified training, less reliance on local rules and procedures.
Better training for court personnel.
Reinstitute Judge school so that Judges can exchange information about problems they encounter.
Judges should try to explain procedures to pro se litigants.
Provide more updated training sessions for the judiciary.
More training for judicial & non-judicial court personnel.
<b>System's Structural Changes:</b>
An Individual Assignment system would be used in all cases. Having different parts for preliminary conferences, compliance conferences, settlement conferences, and trials eliminate the ability of assigned Judges to settle cases early (prior to the litigants expending substantial monies) and impairs the ability of the Judge to learn the case fully to help reduce motion practice and numbers of trials. Mandating a specific number of settlement conferences only allows one side or the other to wait for the last mandated conference to try to resolve a case. When a case is assigned to a Judge from inception to completion, the Judge can identify cases that cry out for early settlement sooner and can avoid motion practice.
Stop trying to solve problems statewide with a huge bureaucracy. Allow local courts to solve problems without state mandates and reporting. The Judiciary should not be running programs that foster advocacy, but rather should defer to the Legislature.
Institute a volunteer attorney panel to handle selected civil cases. I have retired Judges who are willing to volunteer, but I am advised I cannot refer selected cases to them without referring all cases to them.
Achieve a way to reduce the number of pro se litigants.
Raise the income-eligibility level for free or reduced-cost legal representation. The poverty level serves only those at the bottom of the income strata. Individuals with low-middle income through middle income usually cannot afford attorneys. Utilize a sliding scale so people can pay reasonable amounts for legal services.
Our bar associations and the Independent Judicial Election Qualification Commissions—and the results of their screenings—need to somehow be vetted through the State Office of Court Administration before political leaders are given the green light to create judgeships for people who are ill-prepared to serve on a particular bench.
Court Examiners should be a salaried governmental position with minimum standards for qualification, including accounting and interpersonal skills being required.
Uniform procedures throughout the state should be established for how annuals are calculated and reported (they are not, despite statutory appearances). This would enable a single statewide website with instructions and forms for use by unrepresented Guardians. Alternatively, additional resources should be put to establishing websites for Guardians, tailored to the respective counties' approaches.

Judges should be appointed by a truly independent, non-partisan commission, not elected. (4) Newly elected judges with a specialty background (e.g., criminal, matrimonial, personal injury, commercial) should not be compelled to serve in wholly unrelated areas.
Amend the Family Court Act (Section 262) to include additional types of cases for which assigned counsel is available; e.g., modification of support-order cases.
This is a thought-provoking question . . . however, I will limit my answer to the issue of providing equal access to justice for unrepresented and special needs litigants in Family, County, and Supreme Courts. I would like to see a Specialized Part created to deal with the particular challenges presented by the unrepresented and those litigants with special needs, including physical and mental disabilities. The Part should be located in the most handicapped-accessible area of the courthouse and be permanently equipped with additional audio, visual, and other technologies to accommodate the elderly and persons with disabilities—such as wider aisles, ramps, space for wheelchair access to the witness stand, headphones at all relevant stations, etc. Centralizing these litigations into a single Part will also allow Community Resource providers to make the most efficient use of their limited staff and permit more immediate access by the litigant to the provider. This would also reduce training expenditures for non-judicial personnel assigned to those Parts. Assigned Judges will have a greater ability to treat similarly situated persons similarly (provide equal justice) and more quickly and efficiently accommodate the needs of the litigants without undue delay or undue demands on other court operations (provide equal access).
Currently, within the family court system, litigants of lower economic means are entitled to appointed counsel in all proceedings except child-support proceedings. While recognizing the financial considerations involved, I firmly believe that support proceedings are every bit as fundamental to the litigants involved as are those involving other Family Court proceedings.
We need to ensure <i>better</i> representation for clients who <i>do</i> have counsel. We need to provide a speedier resolution to the cases. For those clients who do have jobs, proceeding in Court is such a lengthy process that people sometimes give up and drop their cases or enter into poor agreements just to get a resolution. We need to educate the public about the Court process. People think they can make one appearance in Court and get a resolution, and when they don't, they get very frustrated.
A reasonable fee to access the court would ensure the resources necessary to serve the population. Earlier hours would allow people to address their legal issues without losing their jobs. Require photo identification prior to filing a petition . . . as is presently required in order to obtain a copy of a court order that has been issued.
Each courthouse would have a dedicated pro se/special assistance office.
Simplify the process. Reduce/eliminate duplicative forms. Provide public workstations/kiosks to access forms and instructions. Provide "how to" instructional videos for self-represented litigants, akin to the instructional videos provided to prospective jurors.
Develop a statewide information number for people to call and get help.
More uniform method of determining who qualifies for an assigned attorney and in which cases attorneys may be assigned.
Stop being statistics-bound. Hire new people—people, not computers, will make the system better and more accessible.
The one issue I believe could help is with hearing-impaired litigants and jury members. You can have a sign-language interpreter (which I have done), but for the people who have hearing impairments that are not significant enough to require sign language, I wonder if there is some hearing assistance that could be given.
Make the process for appointing Guardians Ad Litem less complicated, with less red tape; expand the categories of litigants who are eligible to request screening for court-appointed counsel.
Have more cases prosecuted for perjury by the prosecutor. All too often the litigants stop at nothing to achieve their goal. Charge litigants a nominal filing fee in family court for custody petitions (e.g., \$5). This would reduce the amount of frivolous petitions filed and decrease the interruption into the lives of children who are affected by the multiple petitions and frivolous allegations.

<p>The courts are fair, but lawyers have a much greater advantage procedurally. We, as Judges, must apply the law and make correct evidentiary rulings . . . you cannot castrate the law and procedure.</p> <p>Find a way to pay and provide counsel to self-represented litigants. Most important, charge \$25 for every proceeding filed in Family Court (there is a charge in supreme and surrogate court)—frivolous proceedings would stop and the Family Court lawyers (even public defenders) would be available and useable in other courts.</p>
<p>Guardian Ad Litem appointments must be PAID in Family Court. It is an embarrassment that they are compensated in Supreme Court but NOT in Family Court when they are performing such a necessary service!!!!</p>
<p>Give the court the authority to assess a small fee for frivolous or abusive filings in Family Court matters. An alternative would be to allow the court to determine that a filing fee must be paid by the litigant if new petitions are filed within a defined period (e.g., six months).</p>
<p>Less bureaucracy.</p>
<p>Have dedicated problem-solving parts for unrepresented litigants in the categories identified in this survey, with specially trained judges, dedicated staff, and assigned attorneys to represent the litigants.</p>
<p>Require legal representation.</p>
<p>Would not allow litigant to file petitions without legal merit.</p>
<p>Assigned counsel for matrimonials and guardianships.</p>
<p>Each courthouse would have a dedicated pro se/special assistance office.</p>
<p>Increase access to legal assistance. Develop informative resources (easy to read and can be accessed without a computer) that pro se litigants could access to understand the basics regarding courtroom protocol and procedures. Assistance with completing legal forms.</p>
<p>Technology that is up to date—since my one-person law office had better technology than NY State.</p>
<p><b>Resources:</b></p>
<p>We should have immediate access to help for pro se litigants, so that when pro se litigants access forms they submit to court, they also have access to help in filling out those forms.</p>
<p>Provision of user-friendly advice and a hotline for those in need of all types of assistance in special individual cases.</p>
<p>Courtrooms equipped with built-in video conference capacity to better enable those who cannot physically be in the courthouse to be heard and seen.</p>
<p>Make interpreters available in the courthouse so cases do not have to be adjourned to schedule an interpreter. Provide an office for the self-represented. Update the computer system and programs.</p>
<p>Technology needs to be upgraded so that litigants can access even more services on-line.</p>
<p>Create forms and legal documents in numerous languages.</p>
<p>Provide more and better access to assigned counsel.</p>
<p>Additional Family Court Judges with more time.</p>
<p>Increase clerical staffing.</p>
<p>Have "18-b" type of attorneys available on Court premises daily.</p>
<p>Add funding for legal representation of those who are incarcerated, particularly those with mental illness/intellectual disability.</p>
<p>Additional research assistance from the law department.</p>

Competent counsel for all litigants.
Access to competent attorneys available to represent the indigent.
Hire more court officers and more support personnel.
Staff reductions need to be reversed.
Grant judges greater access to community resources to help litigants.
More support services and better coordination.
Additional staff to help move cases along, especially those relative to special assignment, medical malpractice, commercial, asbestos, lead, etc.
We are grossly understaffed, and more staff would allow for more access for more litigants.
More legal assistance for unrepresented litigants.
Hire more social workers and mental health evaluators to assist the court in child custody cases.
Representation for all litigants.
More Supreme Court Judges, to allow greater attention to each case. Judges are assigned too many cases.
More staff.
More resources to screen litigants for eligibility for court-appointed attorneys.
Provide more Judges so as to reduce individual case loads in order to allow Judges more time with each case. Provide in-courthouse services such as mediators for family issues. Provide mental health counselors in court so as to offer advice and/or information about the elderly and their problems.
Need more Spanish interpreters, on-site mental health evaluators, and better-trained staff.
Assigned counsel for indigent litigants in civil actions.
More in-court resources would be provided to pro se litigants. A good first step would be a pro se clerk in every court. The single greatest problem that pro se litigants face is in the preparation of papers. Smaller courts could share the pro se clerk, e.g., in County 1 on Mondays and Thursdays, County 2 on Tuesdays and Fridays, alternate Wednesdays. Beyond that, some sort of advice center located in EVERY court and staffed by a contract agency would be valuable. Although I think that more attorneys would be optimal, I recognize the limitation of Court resources.
Increased court staff would assist in accommodating the special problems and needs associated with the cases that come before the Court. Many types of cases and litigants referenced in this survey call for more time and attention from staff.
More staff to assist those who need help. Right now we just don't have the time to "take the time" that is necessary to assist those with disabilities.
We could use more community resources.
More staff for our court to expedite and assist people.
More Family Court Judges so that litigants could have their cases heard in a more timely manner.
I would make sure that any resources devoted to this excellent effort [Legal Services Initiative] are funded through the Executive branch after full vetting of the Executive budget by the legislature. Funding it should not be in the Judiciary budget, as funding and providing such services is an Executive function.
Increase funding to public defenders offices to permit them to assist persons in need.

Fewer cases on the calendar, which would allow for more time to allocate on each case.
Additional interpreters would be helpful.
Increase funds and user-friendly environment.
Provide appropriate resources.
Reduce caseloads.
I think it is unfair that there is such a large population of litigants who fall between the cracks of financial eligibility for legal representation.
Provide additional support services consisting of mental health treatment agencies, drug treatment agencies, family conflict-resolution personnel, and social service personnel who understand poverty, mental illness, and drug addiction.
More assigned counsel.
More time to spend on each case instead of "standards and goals" deadlines.
Increase staff and improve facilities so proceedings can occur more efficiently and expeditiously.
The most important thing that can be done to ensure "equal access to justice" is to spend available resources on providing attorneys (not lay people advocates) for pro se litigants rather than to spend resources on training for the Judiciary.
Increase court reporter staff (decimated in last few years).
Make more time/money/staff available for alternative dispute resolution. Improve the training for and the quality of assigned counsel.
Decrease the overall caseloads of individual Family Court Judges and Support Magistrates.
<b>Miscellaneous Negative Comments:</b>
Eliminate posturing and politics.
Stop interfering.
Do not attempt to alter the adversarial system by, in effect, making the Court an attorney for one or both parties.
Eliminate the people.
<b>Miscellaneous Positive Comments:</b>
Actually, I think we do a very good job in Family Court. We routinely address the cases of unrepresented parties, have forms that are easy to access, do not charge filing fees, and have staff who are well-trained to guide parties to the services that are available.
I do not see the need for changes in the courts where I preside.
I believe, overall, the legal system in New York is doing a good job.
Current system is adequate.
Continue the current program, which I believe is and will be the vehicle to achieve success.
I firmly believe that all judges, hearing officers, and support magistrates achieve a just outcome in the cases they hear. There is a remarkable ability of the Judiciary and the system to achieve justice by listening carefully to the litigants and addressing any disparities in the playing field.