

New York City Bar Report Recommends Changes in the Appointment and Assignment Process for Family Court Judges

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Delays in New York City Family Court proceedings too often result from an inadequate number of judges combined with a court structure that makes it difficult to allocate judges where they are most needed. Although these structural faults require legislative and constitutional changes, there are certain steps, according to a recent New York City Bar Association [report](#), that the Office of Court Administration (OCA) and the Mayor's Office should take now to improve the judicial appointment and assignment process.

As members of the work group that produced the report, we are struck by the almost impossible burden placed on court administrators to manage efficiently an archaic and confusing system of 11 separate and distinct trial courts with varying jurisdictions. Due to the lack of sufficient Family Court judges, OCA assigns judges to the Family Court on a temporary basis from other courts. Every time a judge moves from one court to another, cases are reassigned, causing delay and confusion among litigants. Moreover, when judges are assigned without experience or expertise in family law as they take over cases lacking familiarity with prior proceedings, they understandably do not perform at the same level of efficiency as fulltime Family Court Judges.

It is not simply, however, the assignment process that causes delay. Indeed, too often there is a lag between a Family Court vacancy and the appointment of a new judge. The Mayor's Advisory Committee on the Judiciary ("MACJ"), which is comprised of 19 highly qualified members of the New York Bar, is responsible for nominating judicial candidates for appointment and reappointment by the Mayor.

To help alleviate delay in Family Court, the report makes certain recommendations which include:

- **Training:** Judges who are new to the Family Court should be better trained in the substantive areas they are adjudicating and in case management.
- **Data Collection:** OCA should collect, compile and analyze data in each county as to the length and frequency of delay caused by vacancies, which would help track caseload and

staffing needs and would also help identify the causes of delay.

- **Transparency and Coordination:** OCA and MACJ should improve communication and planning to avoid any unnecessary delay in the appointment process and should announce appointments and reassignments so that stakeholders and the public are given sufficient notice.
- **Expanding MACJ:** Given the substantial work load, the appointment process would benefit from increasing the number of MACJ members.
- **Expeditious Appointments:** Where possible, the Mayor should select appointees before vacancies arise.

This report lays bare serious issues that need to be addressed not only through the report's recommendations but through broader reform efforts in New York to simplify the court structure and thereby unify the various trial courts.

Indeed, the work group that produced this report heard directly from practitioners and institutional providers who described the real-world impact of extended judicial vacancies, the rapid turnover of jurists, and the failure to be notified in a timely fashion of reassignments. As the report states, **“the current system leaves the Family Court in a state of constant flux . . . that compromises the administration of justice, often at critical points for the safety and security of families and children.”**

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