

# EYE ON THE COURTS

## A periodic report from the Geneva Court Watch Coordinating Committee

A project of the League of Women Voters of Geneva, a non-partisan organization

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## Back taxes can result in hefty loss

### Deadline to redeem must be met

The tax foreclosure process in many Western New York counties involves a strict deadline that, if missed, results in property owners losing their homes. In Ontario County, the next deadline is Jan. 17, 2020.

It's called the "deadline to redeem" and is the last day homeowners can save their homes by paying all of their overdue property taxes from the past 2-3 years. The deadline is non-negotiable, and the Ontario County treasurer will refuse any efforts to pay taxes after that date.

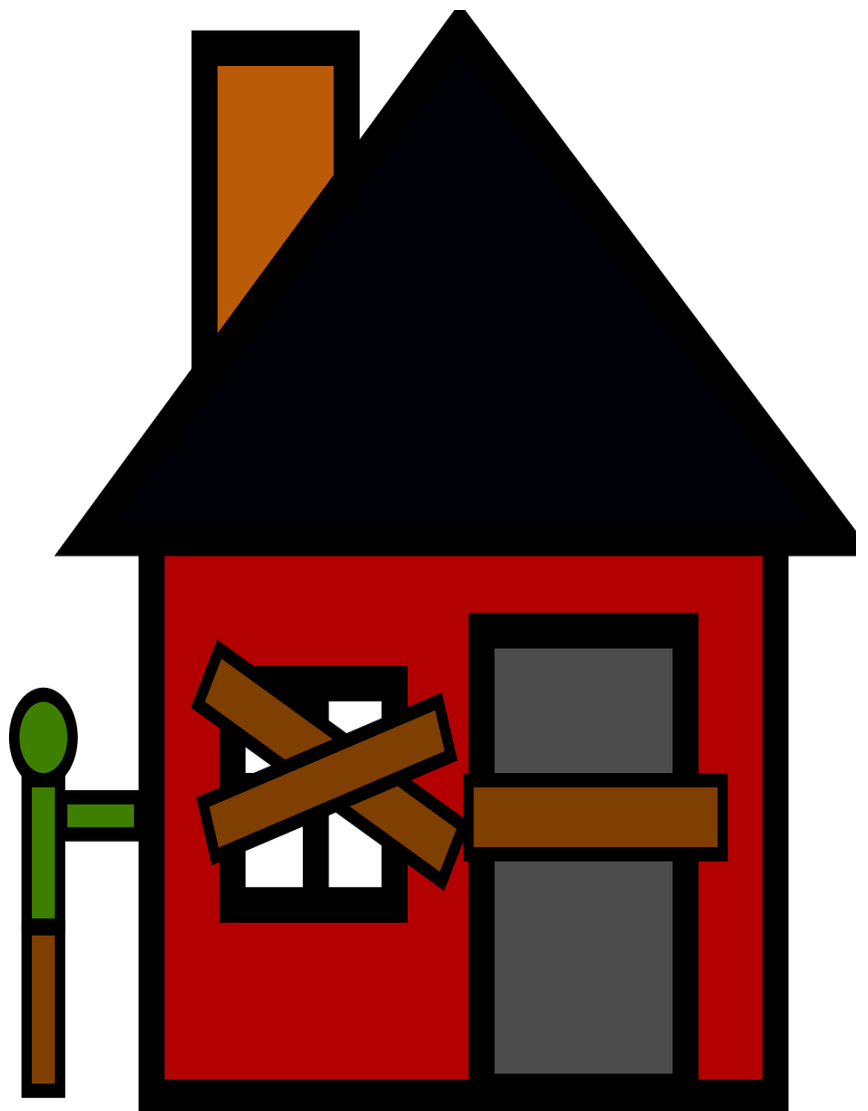
Homeowners must be caught up on their taxes for the current year before they are allowed to pay any back taxes they owe. These taxes cannot be paid in increments; they must be paid off in one lump sum.

Some counties offer repayment plans, which can be easier to adhere to. However, Ontario County does not offer that option.

However, there *are* other options available. Homeowners can:

- Apply for emergency assistance through the Department of Social Services (DSS), which can provide one-time emergency assistance to pay delinquent taxes and keep a home.

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## Volunteer meetings

**On Sept 11**, Amy Monachino, the town and village liaison for the Office of Court Administration, spoke about the central arraignment process in Ontario County.

**On Nov 13**, Walter Gage, retired Supervising Judge in the City of Geneva, answered questions from the volunteers about a variety of aspects of the legal system and the operation of the courts.

## Loss / Continued from Page 1

- Sell their home before the deadline and use the money to repay the taxes they owe.

- Talk to a housing counselor. Keuka Housing Council can be reached at (315) 536-8707.

- Consider filing for bankruptcy. Contact a lawyer if you are considering this option.

Missing the “deadline to redeem” costs a homeowner their home and all equity in that home. It’s important to realize that even if the county sells the house at auction for more than the taxes that are owed, the extra money is not given to the homeowner.

It is also important to understand that foreclosure auction rules bar homeowners from bidding on their properties.

It is essential for homeowners to abide by the deadline to redeem. If they cannot meet this deadline, not only will they lose their homes, they will lose all the money they have invested in it.

*The county treasurer can provide information about future deadlines and options for saving your home. Call (585) 396-4432.*

## Court Observations

*The comments printed here are the personal observations of individual court watchers and do not necessarily reflect the views of the Court Watch committee or of its sponsor, the League of Women Voters. Except with written permission of the League, there shall be no republishing, excerpting or other use in any manner of the material here published, including, but not limited to, campaign literature to promote a particular policy or to elect a particular person. Court Watchers observed 28 court sessions from July through November.*

### ONTARIO COUNTY COURT and FAMILY COURT

#### Judge 6548

*(Due to a conference, defendants weren’t admitted until 35-40 minutes after court was to begin.)*

- \* spoke clearly but very quickly
- \* clearly explained rights, rulings and consequences of not behaving lawfully
- \* waited patiently as APD explained something to a defendant
- \* was friendly and personable
- \* gave young defendants a “homily” about staying clean and out of trouble
- \* conversed with young defendant who had completed jail sentence
- \* offered plan for very gradual payment of restitution

#### Judge 1369

- \* spoke clearly
- \* announced name of each defendant and attorney
- \* moved cases along efficiently, without seeming rushed
- \* tried to ensure defendant’s understanding
- \* used multiple terms for same concept
- \* reviewed rights for each defendant individually
- \* asked defendants if they’d had enough time to talk to counsel to understand what was being presented
- \* patiently repeated explanations when defendants appeared confused
- \* maintained eye contact with defendants, especially when offering praise or emphasizing the importance of complying with probation or treatment terms
- \* treated all parties respectfully and firmly
- \* reprimanded a plaintiff for interrupting
- \* reprimanded an attorney for trying to present case via a very poor phone connection
- \* stressed that petitions needed to be filled out completely

- \* understood details of complicated cases (multiple states and custody shared among many family members), worked toward resolution

#### Court Personnel:

- \* maintained order and quiet
- \* allowed cell phones in the courtroom but requested they be silenced
- \* Court and security officers were polite and helpful, providing the observer with a docket, explaining that not all cases were listed on the docket and explaining why the courtroom had been cleared for a conference (the observer was the only one in the room at the time).
- \* Officers escorting defendants from jail treated them respectfully.
- \* Clerk was very helpful in keeping things moving efficiently; knew calendar well and exactly what dates would work for which court appearances.

### East Bloomfield Town Court

#### Judge 1042

- \* opened court punctually and even early one day
- \* maintained efficient case flow, even taking traffic cases during breaks in criminal calendar
- \* had to handle paperwork and copying until clerk, who does double duty, arrived
- \* spoke clearly and audibly one day; hard to hear on another
- \* explained rights clearly, telling defendants that they were being recorded
- \* explained rulings clearly, asking questions to make sure defendant understood
- \* treated all parties with respect
- \* introduced self to defendants
- \* was calm and deliberate, even when defendant was agitated
- \* proposed compromise in case involving dispute over payments

#### Court Personnel:

Clerk was friendly, welcoming, helpful, knowledgeable, efficient. There was no security officer during the early civil cases;

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an officer arrived part-way through the court session.

**Canandaigua City Court****Judge 7562**

- \* Court opened about 30 minutes late; no explanation offered.
- \* maintained efficient case flow
- \* generally audible but courtroom layout encourages judge, attorneys and defendants to speak as if no one else is in the room
- \* explained rights and rulings clearly
- \* allowed adequate time for all parties and treated all parties with respect, apologizing for calling a defendant by the wrong first name
- \* seemed informed about cases; occasionally double-checked facts with ADA and PD but did not spend a lot of time reviewing paperwork while defendants stood at bench
- \* proposed payment plan for someone very delinquent in paying fines, explaining jail was the alternative and that judge would prefer not to take that step
- \* dealt calmly with defendant who declined legal representation, explaining rights clearly, persuading defendant to sign an order of protection and adjourning the case for a week

**Court Personnel:** Maintained order and quiet, treated all parties with respect, helped things proceed efficiently

**Canandaigua Town Court****Judge 9817**

- \* maintained efficient case flow
- \* hard to hear
- \* allowed adequate time for all parties

**Judge 1807**

- \* hard to hear except when making a heartfelt plea that people wear seatbelts all the time -- demonstrating audibility was possible
- \* reprimanded attorney for disrespectful attitude toward clerks
- \* did not appear to understand some of the legal issues the attorneys were arguing about; did not appear to be certain which issues had been resolved
- \* allowed some discussions between attorneys to continue for a very long time
- \* processed paperwork at end of each case
- \* had to be reminded by clerk to take the plea for a DWI case

**Court personnel:**

- \* security officers pleasant to those entering
- \* clerks patient and pleasant with large volume of requests and a lot of paperwork

**Geneva City Court****Judge 1586**

- \* spoke clearly, audibly

clearly and ensure that defendants understood

- \* explained rulings clearly
- \* explained options in traffic court clearly, stressed that an adjournment would allow defendant to ask DMV and insurance company about potential consequences
- \* reworded charge slightly so defendant could understand and enter plea
- \* acknowledged that defendant probably didn't understand courtroom activity and explained what was happening
- \* noted that an order of protection needed to be in Spanish for the defendant to understand
- \* did not define "waived up" or "civil judgment"
- \* allowed adequate time for all parties, gave time for attorneys to speak with defendants
- \* treated all parties with respect and humanity
- \* greeted everyone warmly
- \* introduced ADA and APD
- \* offered to hear first the cases of those who needed to get to work
- \* greeted interpreter and Spanish-speaking defendants in Spanish
- \* asked Hispanic defendant in Spanish if he spoke English
- \* asked for help pronouncing a name
- \* waited for a defendant's grandmother to appear; greeted her by name and spoke kindly
- \* after telling defendant that failure to show up for trial would lead to an arrest warrant, explained it had to be put on the record and was not an indication of lack of trust
- \* adjourned a case to give young woman with a job and young children a chance to avoid losing her license
- \* was very gentle with an older woman who had received a traffic ticket for the first time
- \* complimented attorney on handling of a case
- \* apologized to officers from jail for transportation difficulties caused by conflicts with both PD office and conflict defenders' office
- \* requested quiet from the courtroom and thanked for compliance
- \* praised defendant for "very good" report from FLACRA
- \* demonstrated appropriate firmness
- \* told a defendant he was not helping his case by arguing and should listen to and speak through his attorney; adjourned the case for a few minutes to give them time to talk

failed to take advantage of drug court, making clear that it was up to him to turn his life around

- \* appeared very well informed about cases
- \* explained and carefully followed new law requiring court to ask about best way to get in touch with a defendant
- \* explained to defendant that interpreter could not offer legal advice

**Judge 0635**

- \* opened court 40 minutes late without explanation, re-ordered cases so attorneys who needed to appear in other courts could leave as early as possible
- \* treated all parties with respect
- \* greeted those in court pleasantly
- \* praised probation officer for work
- \* checked to make sure names were pronounced correctly
- \* was very patient, willing to take time with each case
- \* tried to ensure that defendants understood
- \* gave very detailed explanations of reasons for decisions
- \* explained difference between a jury trial and a bench trial
- \* attempted to explain what waiving one's rights means, one time very clearly, another time in a way that was hard to follow
- \* knew about existence of new law concerning eviction, asked for clarification of specifics (on two separate court dates); expressed personal views about new law
- \* asked many questions to determine specifics in a request for eviction
- \* seemed very well-informed about cases on one day; on another, needed to check frequently with attorneys and clerks
- \* very slow (four cases in about one hour)

**Judge 7138**

- \* opened with civil court case with no general introduction or explanation
- \* made transition from traffic court to criminal court with no indication of change and with no general statement of rights
- \* spoke clearly and audibly one day; spoke very quickly and mumbled on another
- \* was sometimes patient when attorneys talked at length to defendants; other times exhibited frustration at the delay
- \* was well-informed about many cases, confused about others; one day, confused about many
- \* asked landlord's representative for clarification of details of new law affecting eviction process
- \* knew and enforced prohibition on having

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eviction case defendant pay plaintiff's attorney fees

- \* expressed opinions about new law
- \* was aware of new law for marijuana possession cases but asked APD for details
- \* explained rights and rulings clearly
- \* explained pre-trial release to defendant's mother
- \* referred to the distracted driving class in different ways, possibly confusing defendants
- \* treated parties well
- \* dismissed overdue fine for defendant whose financial situation was extremely difficult
- \* mispronounced names of several defendants
- \* yawned frequently and audibly
- \* sighed audibly while waiting for clerk to find some information
- \* welcomed conflict defender new to the court
- \* responded in Spanish when defendant said "gracias"
- \* determined order of cases to minimize waiting time

- \* reprimanded defendant with a very bad driving record and very bad attitude
- \* asked interpreter to make sure defendant understood importance of complying with all terms of order of protection
- \* adjourned a case because landlord had sent an uninformed representative
- \* corrected an attorney who presented a different offer than that agreed to during sidebar
- \* in case with multiple defendants, out-of-town defendant given less leniency than those who were local
- \* was audible during multiple sidebars
- \* after sidebar dismissed attorney and defendant without stating decision
- \* advised young defendant to be completely honest with probation department since information "can't be used in court against you"

**Court Personnel:****Clerk**

- \* pointed out that defendant had been arraigned on an amended charge
- \* explained to Judge 7138 how to change an address in the records
- \* helped things proceed efficiently, providing information and forms quickly

**Court officers**

- \* maintained order and quiet on one day; on another, judge had to request that the courtroom quiet down
- \* treated all parties with respect and without special privilege, even in case

working in the courtroom

- \* mimed the removal of a hat when someone entered court with hat on
- \* said "settle down" loudly and firmly to a defendant who was leaving the courtroom
- \* approached a couple to ask why they were there, then spoke to another officer and returned to explain that they were not on the calendar that day

**Officers from jail**

- \* offered a tissue to the weeping mother of a defendant
- \* told mother of defendant to stand farther back; when mother appealed to courtroom officer, he deferred to officer from jail

**Other issues**

- \* Absence of an interpreter one day meant that several defendants needed to return the following week for their cases to be heard.
- \* No one was in court from probation department so some questions could not be answered.
- \* There was considerable difficulty locating paperwork on bail and other information from a CAP arraignment.

**Town of Geneva**

**Judge 2664** was firm but fair

**Hopewell Town Court****Judge 1139**

- \* was very easy to hear and understand
- \* explained rights and rulings clearly
- \* treated all parties with respect, wished defendants well
- \* handled a lot of paperwork, which slowed case flow

**Judge 1123**

- \* was friendly and respectful, did not lecture defendants, wished everyone Happy Thanksgiving
- \* was easy to hear
- \* moved things along expeditiously
- \* did not review rights with defendants

**Other personnel:**

Court officer was gruff and unwelcoming initially, though was very helpful when asked questions privately later in the session

**Other comments:**

- \* court relatively informal, with considerable tolerance for conversation and movement around the courtroom and no official announcement when court began (judge already at the bench)
- \* hard to hear because the person checking defendants in, the ADA, and the APD spoke with other defendants while cases were being heard

**Manchester Town Court****Judge 8354**

- \* refused to accept a guilty plea, encouraged defendant to talk first with ADA
- \* frequently looked at documents so made little eye contact with defendant or attorney
- \* read documents and made copies, which slowed things down

**Other issues:** People were not allowed into the courtroom until shortly before court began, though ADA was in the room. Those wishing to discuss traffic tickets with ADA then had to do so as other cases were being heard. (These discussions were loud enough to be distracting.)

**Victor Town Court****Judge 2765**

- \* had microphone and was easy to hear
  - \* had calm demeanor
  - \* wished defendants good luck
- Other issues:** It was hard to hear because of court layout and because court officers did not ask anyone to quiet down, even though there was a lot of chatting.

**THOSE WHO (MAY) APPEAR IN MULTIPLE COURTS****For the District Attorney's Office 2748**

- \* spoke clearly and audibly
- \* appeared prepared
- \* commented disrespectfully about a defendant: "A short leash needs to be given here."

**3210**

- \* spoke clearly and audibly on some days; on one day was hard to hear
- \* seemed well-prepared on many days; on others, admitted lack of familiarity with details of several cases or apologized for incorrect information
- \* seemed a bit disorganized
- \* seemed prepared and effective when asking questions during bench trial
- \* treated all parties with respect and humanity
- \* offered several options to traffic court defendants and was open to giving them more time to get paperwork squared away and to pay fines
- \* before court began, spoke to traffic defendants individually, sitting with them, explaining very carefully, writing down

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key information for them

- \* at the bench was very helpful to a defendant who seemed unable to understand or to answer for himself
- \* suggested judge adjourn a case rather than issue a warrant for someone who did not appear
- \* gave APD the name of the DMV supervisor in effort to help clear up a messy case
- \* was very patient with young drivers who seemed confused
- \* spoke directly to defendant when explaining about driver safety course

**6962**

- \* spoke clearly and audibly
- \* was very well organized and well prepared
- \* when substituting for another ADA was unfamiliar with some details of the cases
- \* treated all parties with respect
- \* listened patiently when some defendants in traffic court explained their case at length
- \* offered to e-mail defendant information about the points reduction course for distracted drivers

**3919**

- \* spoke clearly and audibly
- \* appeared prepared
- \* generally treated all parties with respect.
- \* maintained a professional nonjudgmental demeanor

**7812**

- \* spoke clearly and audibly
- \* maintained professional, nonjudgmental demeanor

**5912**

- \* tried to explain to defendant that it was unwise to plead guilty without conferring about possibility of reduced charge

**1919**

- \* well prepared, organized, made arguments succinctly
- \* somewhat hesitant speaker, but confident in opinions
- \* hard to hear
- \* had reference books and iPad at hand

**For the Public Defender's/Conflict Defenders' Office****2260**

- \* spoke clearly, audibly
- \* had not met with a defendant earlier to explain a proposed disposition so had to take time at the bench to do so
- \* treated all parties with respect
- \* was prepared

- \* seemed nervous

**8047**

- \* easy to hear even though stood right at the bench
- \* clear, confident
- \* spoke reassuringly to family member/friend of defendant about outcome of case

**8815**

- \* hard to hear in a courtroom where the layout encourages quiet conversation among the judge and attorneys
- \* appeared prepared
- \* treated all parties with respect

**2469**

- \* spoke clearly, audibly
- \* sometimes had not had the opportunity to review a case or speak to defendant
  - \* was respectful to judge but argued forcefully and persuasively for defendants
- \* used knowledge of details of laws to argue on behalf of defendants
- \* urged that a case be adjourned so the defendant would be able to make an appearance in another court later that day.
- \* was asked by Judge 7138 to speak more quietly when expressing frustration
- \* stepped outside of courtroom to discuss a case with family member/friend of defendant

- \* intervened when Judge 0635 asked questions directly of defendant

**7656**

- \* spoke quietly, difficult to hear.
- \* looked ruffled, not professional
- \* didn't seem fully prepared.
- \* was clear and confident when explaining the complexity of interim probation and youthful offender status
- \* worked hard to keep a challenging defendant from talking directly to the judge

- \* elicited details of complicated situation from defendant and explained clearly to the court

**5291**

- \* appeared professional and prepared;
- \* before court explained what a young defendant should expect as a sentence and stressed the importance of paying fine on time

**8747**

- \* on one date seemed tentative, not confident; on another was clear, efficient, crisp
- \* stepped in to represent a defendant whose attorney did not show up.

- 3640** appeared professional and prepared; was very clear

- 2583** appeared professional and prepared.

- 4056** appeared professional and prepared, clear, competent, easy to hear

- 1256** showed concern for defendant
- 3941** seemed empathetic toward defendants

- 9603** seemed well-prepared

- 4326** was hard to hear but appeared organized and clear

**3133**

- \* spoke clearly, had good command of material in a case even though serving as substitute

- \* had to be prompted to approach for another case, did not have file ready
- \* represented clients well, managing to get charges dismissed in one case

**1211**

- \* was friendly to defendants, greeted each with a warm smile
- \* was very clear
- \* was well prepared
- \* stepped up when the APD whose case was called was busy speaking with another defendant

**Other Attorneys****5540**

- \* thanked judge for a ruling
- \* argued effectively against expecting homeless defendant to pay sizeable restitution
- \* requested defendant not try to speak for himself

**6387**

- \* behaved unprofessionally
- \* was rude and belligerent
- \* accused DA's office of ethical violations, lying, misconduct
- \* seemed to know little about the details of the case
- \* was warned by judge when close to being held in contempt
- \* resisted getting the case resolved for so long that the defendant finally spoke up and asked for opportunity to plead guilty and end the bickering

- 9574, 1337** appeared professional and prepared; served clients' interests well

- 5575** was very clear, calm, respectful
- 8650** was very clear, provided detailed information about progress of defendant's case in another court

- 3851, 3192, 9656** appeared professional and prepared

- 4763** was professional, handling a very complicated case

# Come join us ...

Become civically engaged: Become a Court Watcher.

Learn about the judicial system at local and county levels. Volunteer when and where it is convenient for YOU (court sessions throughout Ontario County occur on various days and at different times — morning, afternoon, and evening.)

The League of Women Voters of Geneva, a non-partisan organization, established Court Watchers to advocate for a fair and equitable justice system.

Court Watchers attend court sessions and record their observations on a monitoring form. Observations are collected, edited, and published in Eye on the Courts. In general, observers do not have legal training, and we do not comment on the way cases are resolved. Instead, we are interested in questions of efficiency, fairness and clarity.

We meet monthly and provide an orientation and mentoring. Please consider joining us. For more information, contact Judith McKinney at [jmck@hws.edu](mailto:jmck@hws.edu).

## This Project

The Court Watch Coordinating Committee acknowledges the Rotary Club of Geneva, the Presbytery of Geneva, The Presbyterian Church in Geneva and the many local friends of the League of Women Voters, who financially support this project.

Anyone interested in making a donation can write a check to: League of Women Voters Court Watch c/o Beth Reiners, 719 White Springs Drive, Geneva, NY 14456.

“Eye on the Courts” is edited by Anne Schühle and compiled by members of the coordinating committee: Len DeFrancesco, Phyllis DeVito, Judith McKinney, and Beth Reiners. Additional Court Watch volunteers include: Joann Holland, Scott McKinney, Ellen Mitchell and Patricia Schiller.

## League of Women Voters

Anyone wishing to join (or renew their membership with) LWV of Geneva or make a contribution to the League or Education Fund can contact Carol Pfeffer, [cepfeffer2@verizon.net](mailto:cepfeffer2@verizon.net), 440 William St., Geneva, NY 14456. LWV is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

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