

GREEN JUSTICE



AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

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TABLE OF CONTENTS

INTRODUCTION	1
EXECUTIVE SUMMARY	2
Court Operations	3
Administrative and Regulatory Functions	3
Procurement	4
Court Facilities	4
Green Justice Education and Outreach	5
Legislation	5
PLAN OF ACTION	6
I. COURT OPERATIONS	7
A. Electronic Filing	7
B. Online access to court records and calendar information	10
C. Data Sharing	11
D. Email	12
E. Teleconferences and videoconferences in civil matters	13
F. Video appearances in criminal proceedings	13
G. Electronic scanning	14
H. Online payment of fees and fines by credit card	15
I. Wireless access	15
J. Improved management of environmental law cases	16
II. Administrative and Regulatory Functions	17
A. Electronic submission and storage of administrative forms	17
B. Online credit card payment of administrative fees	18
C. Reform office practices to reduce paper consumption	19
D. Email for intra-court system communications	19
E. eLearning	19
F. Video and teleconferencing for administrative functions	20
G. Automation efficiency	20



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

III. Procurement	21
A. Green procurement	21
B. Online vendor registry	21
C. Legal reference and subscriptions	22
D. Paper	23
E. Vehicles	23
IV. Court Facilities	23
A. Green standards	24
B. Assessments	24
C. Demonstration projects	25
D. Funding	25
E. Recycling	25
V. Green Justice Education and Outreach	26
A. Web Site	26
B. Best Practices	26
C. Green Justice Awards	26
D. Green Justice Advisory Council	26
E. Collaboration	27
VI. Legislation	27
CONCLUSION	27



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE NEW YORK STATE COURT SYSTEM

The title of this report – *Green Justice* – might suggest doing justice *for* the environment, and indeed this is an important goal. But for the New York State Judiciary, whose very purpose is to do justice, *Green Justice* also means doing justice in millions of cases annually in a more sustainable and environmentally sensitive way.

The goal of this report is to do what no justice system in the United States has yet done: to begin implementing a comprehensive environmental action plan covering the breadth of court operations and the Judiciary’s regulatory functions. A fundamental premise of this report – with which we wholly agree – is that environmental reform is not only consistent with, but promotes, the Judiciary’s core mission of adjudicating in a fair and timely way each of the millions of cases brought before the courts each year.

Some may say the current period of heightened fiscal concern should delay or sideline environmental protection initiatives, but decades of experience demonstrate that environmental responsibility and economic responsibility often go hand in hand. Because environmental awareness requires greater sensitivity to all impacts of public policy – including costs often ignored as remote or unimportant – what’s good for the environment usually is good for the bottom line as well. It follows not only that environmental sensitivity can be sound economics, but also that tough fiscal times especially demand keen environmental awareness. It is precisely because the State’s fiscal health requires frugality that *Green Justice* redoubles our dedication to more cost-effective and environmentally sustainable court operations.

Fully realizing the promise of *Green Justice* will require cooperation from all quarters – from judges and court staff, the organized bar, the Legislative and Executive Branches, local governments and ultimately the public. While one purpose of *Green Justice* is to announce changes that the Judiciary will undertake itself, another purpose is to present the greater potential for reform, savings and improved service if we work together across branches and levels of government toward the goal of more cost-effective and environmentally sustainable justice reform. In that respect, *Green Justice* is a large step, but ultimately only a first step, the start of what we hope will be a robust and ongoing discussion.

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GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

EXECUTIVE SUMMARY

Even a cursory glance at the task of doing justice in New York State reveals the size of the environmental footprint that courts and allied justice institutions leave behind. The more than four million new cases annually filed in New York’s courts produce countless legal submissions that make up hundreds of millions of pages. Each of these pieces of paper must be produced, procured, shipped, duplicated, filed with the court and served on opposing parties, shuttled within the courthouse, stored and retrieved – all with considerable expense of energy, effort and money at each step. The paper blizzard that routinely buries courthouses likewise buries prosecutors, defenders and the many State and local agencies interacting with courts each day, causing the broader justice system’s total accumulation of paper and related environmental impacts to swell by fully another order of magnitude. Each year, millions of litigants and lawyers come to New York’s courthouses, often traveling to and from court multiple times for a single case – sometimes for routine appearances shorter in time than the trip to the courthouse itself. Each of New York’s several hundred courthouses consumes further energy. And even these many environmental impacts comprise only part of the daily output of one of the largest and most complicated justice systems in the world: in truth, the story goes on and on.

The purpose of *Green Justice* is to begin telling this story and to start changing it. *Green Justice* examines the New York State justice system’s environmental footprint from many related perspectives – from court procedure to regulation of the legal profession, from office practices to court facilities, from direct impacts on court operations to indirect effects on other branches and levels of government. The goal is to minimize these environmental impacts, consistent with the administration of justice and the preservation of rights and liberties that always must be the Judiciary’s first priority to secure.

The transformation that “green thinking” asks of us cannot be achieved in a day or a year, and certainly not in one policy program, however bold. What we can resolve to do is begin, begin now, to take many steps simultaneously and resolve to continue until the justice system’s environmental footprint is as small and sustainable as reasonably achievable. Some *Green Justice* initiatives are relatively modest but can yield tremendous impact given



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

the vast size and volume of the New York State justice system. Other initiatives – especially where now-increasingly common technology can streamline court appearances and reduce the chokehold of paper on daily operations – can help catapult the New York State Judiciary and the legal profession to a new level of efficiency and innovation.

Green Justice includes initiatives in the following areas of court operations, judicial administration, procurement, facilities and education:

Court Operations

- Expand electronic filing of court papers
- Expand online access to court records and calendar information
- Expand and accelerate data sharing projects with allied government agencies
- Expand the use of email for communication between the courts and the bar (e.g., notification of decisions, requests for adjournments)
- Substitute teleconferences and videoconferences for routine in-person court appearances in civil matters (e.g., status conferences, preliminary conferences)
- Expand the use of video appearances in select criminal proceedings
- Expand the use of electronic scanning
- Establish a secure web site, accessible statewide, for the payment by credit card of all court fees and fines
- Install wireless (Wi-Fi) access in all courthouses
- Improve the management and calendaring of environmental law cases

Administrative and Regulatory Functions

- Require electronic submission of biennial attorney registration, retainer and closing statements and other administrative forms filed with the Office of Court Administration
- Require that all administrative forms circulated within the court system (financial disclosure, personnel, travel voucher, and procurement forms) be sent and stored only in electronic form
- Equip executive and senior managers with digital signatures and writable computer screens to reduce need for production of physical documents



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

- Establish a secure web site, accessible statewide, for the payment by credit card of all administrative fees
- Reform office practices to reduce paper consumption
- Send all internal court communications and announcements only by email
- Expand use of eLearning for the training of judges and nonjudicial employees
- Require all materials distributed at UCS conferences and seminars be in electronic format
- Limit travel except for essential functions that cannot practicably be achieved remotely by teleconference or videoconference
- Promote the use of videoconferencing for meetings of court committees, commissions, and task forces, and expand availability of secure high-capacity web sites to reduce use of paper by such bodies
- Improve the energy efficiency of technology

Procurement

- Amend procurement policies to require review of environmental impact
- Create an electronic Vendor Registry and require all bidders on UCS contracts/solicitations to file bids electronically
- Replace hard-copy legal reference/periodical subscriptions with electronic or online versions when available
- Reduce paper purchases
- Phase-in replacement of traditional gasoline-powered vehicles in favor of hybrid models

Court Facilities

- Promulgate court rules establishing environmental standards for energy and water conservation for court facilities
- As feasible, achieve Leadership in Energy and Environmental Design (LEED) certification in facilities projects
- Establish uniform facility assessment tools and conduct environmental facility efficiency assessment for court facilities, and work with local governments to begin retrofitting projects in order of environmental priority



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

- Expand demonstration projects of cutting-edge efficiency measures in consultation with county and city governments (e.g., sustainable design, rooftop landscaping) that conserve resources and model feasibility of expanding innovations to scale across other court facilities
- Assist local governments to take advantage of federal, state and nonprofit funding to underwrite facility enhancements and retrofitting to new environmental standards
- Ensure that recycling programs are in place in each courthouse

Green Justice Education and Outreach

- Create a *Green Justice* web site to inform judges, nonjudicial employees and the public about the court system's environmental initiatives and to invite suggestions and feedback on the plan
- Develop (and post online) a Best Green Practices Guide for court personnel
- Present annual *Green Justice Awards* to recognize significant contributions in reducing the environmental impact of the court system
- Appoint a Judiciary-wide *Green Justice* advisory group
- Establish liaisons with bar associations, government entities, and other interested parties, to coordinate plans to reduce the environmental impact of the justice system

Legislation

- Amend relevant civil practice statutes and rules to authorize expansion of electronic filing, including a pilot project of mandatory electronic filing
- Amend Criminal Procedure Law Article 182 to authorize expanded use of video appearances in criminal proceedings statewide and to eliminate the requirement of defendant consent



The Judiciary looks forward to collaborating with the organized bar, institutional litigants across the public and nonprofit sectors, the Executive and Legislative branches, and local governments to make *Green Justice* a reality.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

PLAN OF ACTION

Doing justice in New York State in a more sustainable and environmentally sensitive

way is no simple task. The New York State court system is large and diverse. The New York State Judiciary also wears several hats – adjudicating millions of cases each year, regulating New York’s legal profession, employing thousands of judges and staff – and all of these roles must be examined and reformed to enhance environmental responsibility. Moreover, because court operations directly impact other institutions and service providers both across government and in the private and nonprofit sectors, the Judiciary has a heightened duty to ensure that the many related parts of the justice system beyond the Judiciary also can be more environmentally responsible.

While the Judiciary’s first duty always must be to ensure equal justice under law for every New Yorker, every day and in every case, the Judiciary’s constitutional position as an independent branch of government also obligates us to use our limited resources as efficiently as possible and to think carefully about our effects on the people, institutions and planet around us. Indeed, that is the very essence of environmentalism. For the New York courts, “thinking globally” means seeing the various parts of our sprawling judicial system as an organic whole and then encouraging the most effective use of limited funds and energy entrusted to our care.

While threats to environmental health are far larger than steps the Judiciary alone can take to shrink our carbon footprint, all of us – government, public institutions, nonprofit groups and private citizens alike – must do what we responsibly can to reduce environmental impacts. As *Green Justice* shows, the Judiciary can shoulder this responsibility in full accord with our broader justice mission, and we do so not only for the sake of our planet’s environmental health, but also for the sake of New York State’s fiscal health and our duty to wisely steward the limited resources that taxpayers and their elected representatives entrust to us.

Doing both substantive justice and environmental justice, and serving both of these critical objectives while also enhancing the cost-effective operation of the overall justice system, is a tall order. The most efficient way to achieve all three of these ambitious goals simultaneously is to create and harness synergies where treading more gently on the planet also



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

can yield significant savings of time, energy, effort and money for all who interact with New York State's sprawling justice system. These synergies anchor *Green Justice* and will position the Judiciary to promote substantive justice, taxpayer efficiency and environmental protection at the same time.

Green Justice heralds sea changes in technology, operations and administration – bringing together best practices culled from the private sector, as well as other branches and levels of government nationwide – to find ways to do justice better, less costly and more respectful of our environment.

I. COURT OPERATIONS

We begin by looking at how the court system fulfills its core mission of adjudicating millions of cases a year.

The courts and the legal profession are steeped in history. Its rituals, forms, and language all reflect a rich tradition. So too, many of the nuts and bolts of how the courts and the bar do business are rooted in the past. *Green Justice* begins by asking questions that challenge decades, if not centuries, of assumptions about how justice should be done. Does effective justice always require litigants and lawyers to expend the energy, time and cost to travel to sometimes distant courthouses for relatively brief proceedings? Must courts, allied agencies and the broader legal profession choke on paper? Can we harness modern technology and administrative systems to deliver better public service at lower cost to taxpayers and our planet? Often we can find answers in the very questions we ask if we look hard enough.

A. Electronic Filing

The entire legal system in New York State is drowning in paper. Assuming, conservatively, that the average court file consists of only 25 pages, the four million new cases initiated in New York each year result in the filing of 100 million pieces of paper in the courts, with the same amount of paper being sent around the State for service on each of the opposing parties. The cost of purchasing, transporting and storing this mountain



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

of paper burdens the courts, litigants, and the bar and exacts a substantial toll on the environment. These environmental – and financial – concerns add to a compelling list of reasons why it is time for New York State to enter the electronic age and to embrace electronic filing.

Apart from the many benefits to the court system and the County Clerks, eFiling offers the bar (and its clients) convenience, speed, efficiency, and cost savings. With eFiling, documents can be filed and served, virtually instantaneously, at any time and from anywhere, without the need to travel to the courthouse. The case file is accessible online to counsel of record at any time and from anywhere. The system is easy to learn and use. It is also secure, and confidential information is fully and adequately protected.

Experience has also shown that eFiling is not just for big firms with IT staff and para-legal support. To the contrary, eFiling helps to level the playing field between the large firm and the solo practitioner or small firm. There is much to be said for a system that allows a solo practitioner in, say, Dutchess County to file motion papers in New York County Supreme Court, pay the motion fee to the New York County Clerk, and serve several large firms in Manhattan, all with only a few clicks of the mouse; to receive notification by email of the filing of a decision or order as soon as that occurs and to have immediate access to it; or to file a proposed long form order or receive an entered copy of the signed order – and for these things to happen without the practitioner’s ever having to leave the office.

Currently, eFiling is authorized by statute in various case types in 18 counties as well as in the Court of Claims.¹ The enabling legislation specifically states that participation in the eFiling program is voluntary (L.1999, c. 367 §6). Despite this significant limitation, eFiling has grown steadily since it was first authorized in 1999. More than 8,500 attor-

¹ Electronic filing is authorized in:

- 1) commercial, tort and tax certiorari cases in Supreme Court in Albany, Essex, Livingston, Monroe, Nassau, Niagara, Onondaga, Suffolk, Sullivan, and Westchester Counties and throughout the City of New York;
- 2) any case type designated by the Administrative Judges in Broome County Supreme Court and Erie County Supreme Court;
- 3) the Court of Claims;
- 4) the Surrogate’s Court in Chautauqua, Erie, Monroe, Queens, and Suffolk Counties; and
- 5) no-fault cases in the Civil Court of the City of New York.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

neys have registered as users with the New York State Courts Electronic Filing System (“NYSCEF” for short), and it is expected that more than 40,000 cases will be filed electronically in 2008.

The response of those who have used the system has been overwhelmingly positive. The New York State Bar Association House of Delegates reported that attorneys in New York who have used the federal electronic filing system or New York eFiling system have by a significant majority reported a positive experience; once attorneys use the system, they almost invariably like it.²

And so, increasingly, the Bar has urged the expansion of eFiling. In December 2006, the New York State Bar Association completed a careful study of eFiling in the State courts. The State Bar House of Delegates recognized that eFiling offers “significant advantages over paper filing” for clients and attorneys, as well as for County Clerks and courts.³ The House of Delegates accordingly adopted a resolution in support of “a fully implemented electronic filing system, including ... support for implementation of electronic filing in the Supreme Court and Surrogate’s Court in each county as the county becomes ready to undertake it, and in the Court of Claims”⁴ Other Bar groups, such as the New York County Lawyers’ Association⁵ and the New York City Bar Association,⁶ have also raised their voices in support of expansion of eFiling in New York.

New York’s eFiling system has proven itself and answered any concerns about security and confidentiality, as well as its impact on small firms and solo practitioners. The significant environmental impacts of the current paper-based system add one further reason to redouble our efforts to achieve the goal of paperless litigation.

The federal courts have led the way, phasing in mandatory electronic filing, beginning in Ohio in 1996. A few years ago, the federal courts in New York followed suit and man-

² Resolution of the House of Delegates, March 31, 2007.

³ Resolution of the House of Delegates, approved March 31, 2007.

⁴ *Id.*

⁵ See e.g., Comments on the Report of the Task Force on Electronic Filing (Feb. 27, 2007), approved by the Executive Committee of NYCLA.

⁶ See e.g., Comments by the Association of the Bar of the City of New York on the Report of the Task Force on Electronic Filing (March 5, 2007).



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

dated electronic filing of all cases, making a seamless transition to the electronic age. In the world of Google, YouTube, and the electronic filing of income tax returns – not to mention online presidential campaigns – it is time for New York State courts to do the same.

The transition to systemwide eFiling must be carefully planned, will take time, and should be the product of a close collaboration between the courts, county clerks and the bar. The Judiciary will present to the Legislature a plan for expanding eFiling, including a pilot program of mandatory eFiling in limited case types in a limited geographic area, with an eye toward the eventual transition to mandatory systemwide eFiling.⁷

B. Online access to court records and calendar information

The UCS web site provides an easy-to-navigate source of a vast and always expanding array of information about the New York courts. Particular effort has been placed on expanding online information about court proceedings, including decisions, and, in selected counties, court files, as well as court calendar information.

Case information currently available online, without the need to travel to the courthouse and examine a court file, includes:

- **WebCivil Local** provides information about active and disposed cases in the New York City Civil Court (soon to be expanded statewide).
- **WebCivil Supreme** provides information about active and disposed Civil Supreme Court cases in all 62 counties of New York State.
- **WebCrim**s provides information about pending criminal cases in local and superior courts in 13 counties and summons cases for all of New York City.
- **WebFamily** provides information about active Family Court cases in all 62 counties of New York State and Integrated Domestic Violence (IDV) Court cases in those counties with IDV Courts.⁸
- **WebHousing** provides information about pending Landlord-Tenant cases in the Housing Part of New York City Civil Court as well as the Buffalo City Court.

⁷ As with the federal courts, the New York courts would provide an exception for persons who, for some technical or other reason, are unable to file electronically.

⁸ WebFamily includes no names or other personal identifying information.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

- **eTrack** is a free case tracking service that automatically sends an email notification when activity occurs in any case selected by the subscriber. Subscribers may also request email reminders 1, 7, 15 or 30 days before each appearance. Currently, eTrack covers active Civil Supreme Court cases from all counties and a growing number of local civil courts.

Online case information also includes court decisions and in two pilot counties (New York and Broome), pleadings and other papers from the court file.

The Judiciary will further publicize and promote the use of online case information and will continue to expand online access to court records and calendar information.

C. Data Sharing

In many areas, but especially in the criminal and family courts, the Judiciary works closely with a variety of government agencies and other institutions.⁹ Large quantities of documents and vast amounts of information (e.g., arraignment charges, preliminary orders of protection, family court petitions, pre-sentence reports, bail status, release status, permanency planning reports) are passed between the courts and these agencies and institutions.

The courts and each of these other institutional players in the justice system have some form of automated system. In some cases these systems “talk” to each other and are used to transmit the data or documents back and forth. However, too often the systems do not communicate. The result is that the transfer is accomplished in paper, and the courts and each of the other entities has to enter case information (e.g., names of parties and counsel) into its own automated system.

Developing ways to electronically share this information saves countless hours of duplicate effort, tons of paper, and many trips to the courthouse, while at the same time improving the timeliness and accuracy of the information used by the court and its partners.

⁹ E.g., District Attorneys, State and local Police Departments, Criminal Justice Agency, Legal Aid Society and other indigent defendant legal providers, corrections and probation offices, and social services agencies such as the Administration for Children’s Services in NYC, and the state Office for Child Support Enforcement, and the state Office of Children and Family Services.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

Progress toward this goal is being made. The earliest data-sharing project began decades ago with the State Division of Criminal Justice Service sending electronic information about fingerprintable arrests in exchange for criminal disposition data from the courts. Today, the court system shares data electronically with the New York State Police (the courts receive information about tickets and send information about orders of protection), and the Department of Motor Vehicles (the courts send ticket dispositions).

Over the past few years, data-sharing opportunities, and projects, have multiplied. Current data-sharing projects include an effort to permit the New York State Office of Child Support Enforcement (OCSE) to electronically file paternity and support petitions, and a joint effort with the Administration for Children's Services in New York City and the state OCSE to share information about their cases in our Family Courts. In addition, with the support of the New York City Mayor's Office of the Criminal Justice Coordinator, the court system is working with NYPD and the New York City District Attorneys to share data about orders or protection and automate the arraignment process in the New York City Criminal Court.

There are many more such data-sharing projects waiting for time and resources. The court system will continue to work with its criminal and family justice partners to expand the sharing of common data. We will jointly seek grant funding to support these data sharing projects.

D. Email

Even before the transition to a universal eFiling model in all courts, email offers an fast, reliable, and green alternative to the traditional paper-based communication between the courts and attorneys. Email is particularly well suited for notification of decisions, changes in case status, changes in attorney assignments, requests for adjournments, and similar matters.

The Judiciary will promote the use of email for communication with attorneys. To facilitate such communication, the Judiciary will require attorneys to submit an email address as part of the biennial attorney registration process and will require attorneys to keep their email address current.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

E. Teleconferences and videoconferences in civil matters

The organized bar has urged that the court system make greater use of teleconferences and videoconferencing for status or motion conferences and other appearances in civil matters, citing convenience and time savings.¹⁰ There is also an environment component – in many parts of the State, attorneys often drive long distances to the courthouse, and might in fact spend far more time traveling to and from the courthouse than appearing in court.

Clearly, in-person appearances cannot be dispensed with entirely, and ultimately it is the presiding judge who decides the manner in which conferences and appearances will be conducted. However, teleconferencing and videoconferencing should be encouraged and enabled.

The court system has installed the equipment necessary to conduct teleconferencing and videoconferencing in courthouses across the State. As needed, additional equipment will be provided, as well as instruction in its use. In addition, in consultation with local administrative judges and bar associations, counties will be selected, particularly those in which attorneys typically travel long distances to the courthouse, for more active promotion of teleconferencing and videoconferencing of civil cases.

F. Video appearances in criminal proceedings

By statute, video appearances by defendants are permitted in certain counties for certain purposes, all on the consent of the defendant. CPL Art. 182. These remote appearances both enhance security and save state and local governments the cost of prisoner transportation. In addition, they offer defendants an opportunity to avoid the disruption of the transportation process (often requiring the defendant to arise before dawn) in order to appear in court for a short routine appearance.

During 2007, more than 15,000 video appearances were held between the New York

¹⁰ See, e.g., Report of the Commission to Examine Solo and Small Firm Practice (February 2006), 24-25.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

City courts and the correctional facility on Rikers Island. In addition, the New York City Criminal Court has successfully piloted bedside arraignment of criminal defendants in Bellevue Hospital.

In addition to promoting security and saving local and state correctional departments substantial transportation expenses, a significant reduction in the number of defendants transported between correctional facilities and courthouses will result in a significant energy savings. Given the limited class of proceedings in which video appearances may occur, the significant advances in audio-visual technology over the many successful years of Article 182 proceedings and the assurance of unrestrained and confidential communication between defendants and their counsel during video appearances, the legislative requirement of express defendant consent is outdated and should be removed.

The Judiciary will work with correctional officials to increase the use of video appearances where it is currently authorized. The Judiciary will also propose legislation to amend Criminal Procedure Law Article 182 to expand authorization for video appearances in select criminal proceedings statewide and to eliminate the requirement of defendant consent. The Judiciary will also continue to permit and promote the use of its equipment for videoconferences between attorneys and probation officers and inmates housed in correctional facilities.

G. Electronic scanning

Even where court filings are initially made in paper, courts are finding it useful to scan the documents. Scanned documents can be linked to an automated case management system, retrieved quickly without the need to requisition the paper file, and viewed simultaneously (by the court, staff or counsel) on different computer monitors. Scanning also reduces storage and retrieval costs and eliminates the need to make paper copies of documents.

Scanning is thus a useful technology for digitizing paper documents for easy retrieval, storage, and transmission. With more advanced automated systems, such as the Family



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

Court case management system and the web-based domestic violence order program (WebDVS), which automatically produce orders, it is possible to go a step beyond scanning. With these systems, it is theoretically possible to obtain a judge's order without a single piece of paper. The automated system produces the order – all that is needed is the judge's signature. If the signature could be recorded electronically, a paper copy of the order for signing would not be needed – the system would be the repository of the actual order, and the order could be electronically transmitted to those who need a copy. The UCS has started development of such electronic signature systems (starting with orders of protection in the WebDVS system).

The Judiciary will expand its efforts to scan court documents and enhance its automation systems to include electronic signatures. Records retention rules will be re-written to incorporate the electronic storage of stored documents.

H. Online payment of fees and fines by credit card

Credit card payments for fines, fees and surcharges are now accepted in all courts. In addition to making payments more convenient to court users, credit card payments increase revenue collected and enhance security by reducing the amount of physical cash collected. Online credit card payments also obviate the need for travel, be it to the courthouse or the post office, to make these payments.

With more than half a million defendants ordered to pay fees, fines and surcharges each year, all of these objectives would be significantly advanced by enabling the payment of these charged by credit card online. **The Judiciary will develop a secure web site, accessible statewide, for the payment by credit card of all court fees and fines.**

I. Wireless access

Over the past several years, the UCS has been installing wireless (Wi-Fi) internet access in courthouses across the State, providing attorneys, litigants, jurors, and the public with free Internet access. Since 2005, more than 800 Wi-Fi access points have been installed in strategic locations, turning 85 of the larger courthouses in New York State into "hot buildings." Close to 3,000 members of public take advantage of this service each day.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

This project has a number of objectives. One purpose is to provide an amenity for jurors – to allow them to tend to business or personal matters while fulfilling their civic obligations. Wi-Fi access also provides a service to the bar. The Legal Aid Society in particular has taken advantage of courthouse Internet access by outfitting many of its attorneys with laptop computers, allowing them to use “down time” in the courthouse to check email, conduct online legal research, and look up electronic case information.

Again, as with other initiatives undertaken for reasons other than the environment, there is a green benefit. Free, secure Internet access from the courthouse permits attorneys to have access to documents and other materials without the need to copy and carry them to the courthouse.

As funding permits, the Judiciary will expand Wi-Fi access to additional courthouses.

J. Improved management of environmental law cases

Thus far, this Action Plan has focused on how the Judiciary can operate in a more environmentally sensitive way across the entire range of matters that come before the courts. But the New York State Courts also hear thousands of cases that raise environmental law issues, and this too is an area that bears examination.

These cases arise under a variety of statutory and regulatory schemes, including the State Environmental Quality Review Act, the State Environmental Conservation Law, the Industrial Hazardous Waste Management Act, and the New York City Watershed Rules and Regulations. These cases often involve various regulatory and enforcement agencies, such as the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection.

To promote the efficient and proper resolution of environmental cases, the Judicial Institute will provide additional Judicial training on the complex legal issues raised in these cases. In addition, the Judiciary will, as appropriate based on local caseloads, coordinate the calendaring and enhance the management of these



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

cases.¹¹ The Judiciary will also consult with the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection and other interested entities, for recommendations on ways to improve the management of environmental law cases.

II. Administrative and Regulatory Functions

In addition to its primary role of adjudicating cases, the Judiciary also plays a variety of administrative functions, including the role of employer and the role of regulator of the legal profession. In each of these areas, there are changes that can be made to promote energy conservation.

A. Electronic submission and storage of administrative forms

Each year, hundreds of thousands of administrative forms are filed with the Office of Court Administration, including attorney registration forms, retainer and closing statements, applications to serve as a fiduciary under Part 36 of the Rules of the Chief Judge, and notices of appointment and statements of compensation received from the courts.

In addition to the forms filed by members of the legal profession and the public with the court system, there are many other forms that are internal to the Unified Court System and/or that involve transactions with other branches of NYS government. These include: payroll and personnel transactions, purchasing requests and authorizations, as well as payment vouchers for goods, services and travel. Each year, there are tens of thousands of these transactions systemwide. Further, many of the forms used for these processes are multiple-copy NCR forms, which can triple or quadruple the amount of paper required for each.

All of these forms must be produced, circulated, filled out, approved or denied, and

¹¹ One model for managing and calendaring environmental law case that may be considered for expansion is found in the Westchester County Supreme Court, which, since 2001, has had a dedicated part to hear cases in which the predominant claims involve the adjudication of potential impacts to the environment, including impacts to the land, air, water, traffic and transportation, minerals, natural resource, forest management, flora, fauna, noise, patterns of population concentration, distribution or growth, existing community neighborhood character and human health.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

then stored. Apart from the environmental impact, these paper-based systems are costly – the printing and mailing of attorney registration renewal notices alone cost taxpayers close to half a million dollars a year.

The transition of these administrative transactions from paper to electronic format has begun. Several years ago, the paper-based system for maintaining the time and leave records of the court system's thousands of nonjudicial employees was eliminated and replaced by an electronic system. An online system for completing and filing the annual financial disclosure forms required of all judges as well as almost 4,000 high level nonjudicial employees has been developed and tested and will soon be the required method of filing.

In addition, OCA is developing a web-based online system for filing the biennial attorney registration forms, which, when implemented, will eliminate the mailing of renewal notices and registration forms to 250,000 attorneys in each two-year cycle (as well as thousands of reminder notices). Attorneys will be notified by email when their registration is due, complete an online registration form, and pay the registration fee online by credit card.

The Judiciary will continue development of web-based systems so that all administrative forms filed by attorneys or members of the public with the UCS can be submitted electronically. The Judiciary will also continue the conversion of all intra-court system administrative forms into electronic format and require that these forms be sent and stored only in electronic form. To facilitate this conversion to electronic forms, the Judiciary will equip executive and senior managers with digital signatures to eliminate the need to print out documents for approval.

B. Online credit card payment of administrative fees

To realize the full potential of a web-based system for filing attorney registration and other administrative forms, and for transacting other business with OCA, the court system will establish a secure web site, accessible statewide, for the online payment of fees by credit card.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

C. Reform office practices to reduce paper consumption

A number of simple measures, such as replacing desktop with **networked printers**, can be implemented to encourage a reduction in paper consumption. The use of **scanners and digital senders** rather than fax machines has also been shown to achieve significant reduction in the use of paper. These newer technologies serve the same function as old-tech fax machines, but with greater convenience (documents are sent electronically directly to the recipient's computer), and without producing a paper copy of each document sent, regardless of need.

Other changes in practice and habit, such as the routine use of double-sided printing when paper copies are needed, will also help. These and other changes in office practice and, as appropriate, in the deployment of equipment, will be implemented to reduce the consumption of paper.

D. Email for intra-court system communications

Each year, numerous notices, announcements, and memoranda are widely distributed within the court system. Over time, email is increasingly becoming the medium of choice for these communications. **With the inclusion of virtually all UCS personnel in the GroupWise system, email will be the required means of distributing any internal court communication.**¹²

E. eLearning

Each year, the Judiciary offers scores of educational programs to its judges, as well as to thousands of nonjudicial employees. While for certain programs, in-person attendance is preferable, increasingly, the New York State court system is relying on eLearning. These programs not only avoid the need for travel and overnight hotel stays at a central training site, but are consistent with the evolving trend toward shorter, more focused training sessions.

¹² As part of the Action Plan for the Justice Courts, issued in November 2006, Town and Village Justices and clerks have now been incorporated into the UCS GroupWise system, making it possible, for the first time, to also communicate with the Justice Court community by email rather than by mailed correspondence.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

For example, Lunch and Learn Programs are frequently used to address a specific topic, often a legislative amendment that affects a single court type. Various technologies are in place that allow judges and court employees in courthouses around the State to simultaneously participate in an interactive training session, view a PowerPoint presentation while also viewing and listening to the presenter, and ask questions of the presenter.

The Judiciary will continue to expand the use of eLearning, and will require that all materials distributed at UCS training sessions and conferences and seminars be in electronic format (e.g., CDs or Flash drives).

F. Video and teleconferencing for administrative functions

Significant advances in quality and substantial reductions in cost have made videoconferencing, teleconferencing and webconferencing viable and compelling alternatives to in-person business, committee or task force meetings, especially where travel and overnight stays would be necessary.¹³ For this reason, travel will be limited except as necessary for essential functions that cannot practicably be achieved remotely by teleconference, videoconference or webconference.

G. Automation efficiency

Much of this report deals with ways in which technology can reduce energy consumption while enhancing efficient court operations. It is, however, also important to examine whether technology itself is being used in an environmentally responsible way. Although a single computer uses little energy, cumulatively the thousands of computers, servers, printers and related equipment operated by the court system use significant amounts. It is not uncommon to see a glow coming from an empty office building at night – although the lights have been turned off, the computer monitors remain on. Making sure the thousands of court computers are turned off at night is an easy, low cost way of reducing energy consumption.

¹³ In a webconference, all participants use their web browsers to remotely view a computer presentation or document shown by one of the participants. Thus, participants can hear and view a speaker while simultaneously viewing a document or PowerPoint presentation.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

There are many other ways of reducing the energy required by computer-related equipment:

- Use virtualization to reduce the number of “server-class” computers in our data center.¹⁴
- Reduce unnecessary servers in the courts (e.g., in the past few years we have reduced the number of servers positioned around the state from 220 to 50, in large part because of the increased speed obtained through the installation of fiber).
- Enable Power Management for Desktop PC and monitors, and enable the energy-saving mode.
- Right-size equipment by location (e.g., smaller, energy efficient switches use less power).

The Judiciary will implement these and other steps to enhance the energy efficiency of its technology. In addition, a Technical Energy Audit of computer-related energy practices will be undertaken to identify other appropriate remedial action.

III. Procurement

Another role of the Judiciary that must be assessed and reformed is that of consumer and purchaser of goods. Each year, the Judiciary spends millions of dollars purchasing or leasing computers, office supplies, vehicles, furniture and other goods.

A. Green procurement

The Judiciary will amend its procurement policies and procedures to require review of the environmental impact of purchases.

B. Online vendor registry

Each year, the Judiciary issues hundreds of Requests for Proposals/Bids and other

¹⁴ Virtualization means software that permits one physical computer (server) to behave like multiple machines, permitting multiple programs to run at the same time, thereby cutting down on the number of computers needed and reducing power consumed.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

solicitations for the purchase of goods and services. Each solicitation involves voluminous amounts of paper, from the Request for Proposal document itself, to the myriad forms the potential vendor must complete to comply with the terms of the Request, as well as with various statutes and regulations governing the procurement process in New York. All of these documents and forms are produced, duplicated, circulated, mailed, filed with various offices of the court system and executive branch agencies and, finally, stored.

The Judiciary will create a Vendor Registry that would allow any potential vendors to pre-register for future solicitations, providing us with such information as financial and other background data about the entity, and the names of officers authorized to contract with the UCS. All registered vendors would then be notified of bidding opportunities electronically and required to submit bids or proposals online.

C. Legal reference and subscriptions

The work of the Judiciary requires ready and continuous access to the law. The portion of the Judiciary budget devoted to meeting the need for legal reference materials currently exceeds \$29 million a year, of which \$22.7 million is spent on hard copy materials, while online Computer Assisted Legal Research (CALR) resources account for \$6.4 million.

There is considerable financial and environmental inefficiency in the way that this need is met.

The UCS agreements with the major CALR providers are “flat-rate,” which give judges and court personnel unlimited access to an extensive array of primary and secondary legal materials, from New York, the federal courts, as well as other states.¹⁵ Many of the materials the UCS purchases in hard copy are available online through Westlaw,

¹⁵ With some differences in the range of materials available, the agreements with the CALR providers also give access, within the flat-rate cost, to patrons of public access law libraries and to the Justices of New York’s Town and Village Courts.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

Lexis or one of the other CALR providers at no additional cost within the flat-rate agreements. It is estimated that approximately half of the hard copy legal reference materials purchased are already available to the courts online.

Over the past several years, some progress has been made in reducing purchases of certain hard copy legal materials, particularly secondary reference materials and out-of-state statutes and case law, that are included in the CALR libraries. However, both for budgetary and environmental reasons, more must be done.

There are cultural and generational dimensions to this issue, and change here will be evolutionary. It is also recognized that there will be continued need for some hard copy reference books even when the materials are available online. However, to the extent feasible, **the purchase of hard copy legal reference materials and periodical subscriptions should be ended if online versions are available.**

D. Paper

Apart from the tons of paper litigants file with the courts, the New York State courts themselves purchase more than 1.5 billion pieces of paper a year, at an annual cost of \$10 million. **Through the various strategies outlined above, the Judiciary sets the initial goal of reducing its purchase of paper by 10 percent by 2010, resulting in a saving of \$1 million.**

E. Vehicles

The Judiciary leases or purchases a number of vehicles, including jury vans and public safety cars. As the current leases expire, the Judiciary will replace traditional gasoline-powered vehicles with energy-saving hybrid models.

IV. Court Facilities

The hundreds of courthouses in New York State present another opportunity to reduce the environmental impact of the judiciary system. While some of the recently constructed courthouses incorporate green design principles, many of the courthouses are old, if not



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

historic, and offer few energy efficiencies commonly found in modern public buildings.

Action in this area is complicated by the statutory scheme that gives the responsibility for providing and maintaining State courthouses to local governments. While the State provides local governments with some financial assistance in meeting their facilities obligations, the primary burden of paying the up-front costs of green design or renovation is born by the local government. (On the other hand, the entire savings in lower energy costs go to the local governments.)

Reform in this area thus requires collaboration between the State and local governments, and a sensitivity to their respective interests and concerns. The courts, as the occupants of the facilities, are primarily concerned about comfort and functionality, while the local governments, as the owners, have, especially at this time, a strong interest in cost, both short- and long-term. Keeping these very different perspectives in mind, the Judiciary announces the following steps to make court facilities more energy efficient.

A. Green standards

The Rules of the Chief Judge will be amended to set forth specific guidelines for the design and maintenance of courthouses to promote energy conservation and efficiency. The standards will recognize the wide variation among court facilities in terms of age, size, function, and other factors.

In contrast to courthouses, which are built and maintained by local governments, certain facilities projects are under the direct control of the Judiciary (e.g., the new Court Officer Academy underway in Kings County). In such cases, the Judiciary will, to the extent feasible, employ sustainable design and energy conservation principles and will seek certification of the facilities under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program.

B. Assessments

A facility assessment tool will be developed to assist in the identification of energy-wasteful conditions in existing courthouses. The Judiciary will then work with local governments to develop plans for the remediation of these conditions.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

C. Demonstration projects

Over the past years, cutting-edge environmental solutions have been implemented in a number of New York courthouses. In the historic Bronx County Courthouse, rooftop landscaping, designed to provide cooling during the summer and insulation over the winter months, was installed as part of the demonstration project lead by the Bronx County Borough President. The new Bronx County Hall of Justice utilizes a variety of green design technologies, including a state-of-the-art passive heating system. The court complex in Washington County, in one of the coldest regions of New York, employs a geothermal heating system.

The Judiciary will work with local governments to identify opportunities for additional green design demonstration projects and evaluate the feasibility of expanding innovations to scale across other court facilities.

D. Funding

Funding for energy efficiency projects is available from entities such as the New York State Power Research and Development Agency and the Power Authority of the State of New York, which allow projects to be financed and paid for from long-term savings in operational costs. Some local governments (e.g., the City of Buffalo for installation of a new energy efficient heating and cooling system) have, with the assistance and cooperation of the Judiciary, taken advantage of these resources. **The Judiciary will continue to work with local governments to take advantage of federal, state and nonprofit grants to underwrite facility enhancements and retrofitting to new environmental standards.**

E. Recycling

The Judiciary will ensure that recycling programs are in place in each courthouse.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

V. Green Justice Education and Outreach

Realizing the promise of this Plan will require collaboration and cooperation from all quarters – from the organized bar, judges and court staff, the Legislative and Executive Branches, local governments as well as the public. Toward that end, the Judiciary will take the following steps to enlist broad support of and participation in the initiatives outlined here.

A. Web Site

A Green Justice web site will be initiated to inform judges, nonjudicial employees, the public and others about the court system's environmental initiatives. An important feature of the web site will be an invitation to comment on or submit suggestions for the plan.

B. Best Practices

A Best Green Practices Guide will be developed and posted on the court system's web site. The Guide will offer practical suggestions for limiting paper, emergency and water consumption on a daily basis in the workplace.

C. Green Justice Awards

This Action Plan is intended as the start of an ongoing rethinking of how to do justice in a more sustainable way. To encourage and recognize innovative thinking and successful conservation projects, **a Green Justice Award will be presented each year to honor significant contributions in reducing the environmental impact of the court system.**

D. Green Justice Advisory Council

A Judiciary-wide Green Justice Advisory Council will be appointed to advise about the implementation of the plan and to propose changes and enhancements to the plan.



GREEN JUSTICE

AN ENVIRONMENTAL ACTION PLAN FOR THE
NEW YORK STATE COURT SYSTEM

E. Collaboration

The goals set forth in this Plan cannot be achieved by the Judiciary acting alone. The Judiciary will therefore reach out to bar associations, other government entities, and other interested parties, to coordinate plans to reduce the environmental impact of the justice system.

VI. Legislation

The Judiciary will propose amendments to relevant statutes and rules to expand electronic filing to additional case types and counties, and to authorize the Chief Administrative Judge to designate specified counties for mandatory eFiling in specified case types.

The Judiciary will also propose amendments to Criminal Procedure Law Article 182 to authorize electronic appearances in select criminal proceedings statewide, and eliminate the requirement of defendant consent.

CONCLUSION

Change of the magnitude envisioned in this plan is not easy and cannot be achieved instantly. Our environment did not reach its present point of peril in one moment, just as courts and lawyers did not embrace only yesterday what has become today's conventional wisdom about the day-to-day mechanics of doing justice and practicing law. There are years, decades and even centuries of practice to examine – much of it comfortable and grounded in the bedrock of our justice system and the broader legal profession – so naturally this effort will take time. But the environmental and economic benefits within our reach are well worth this effort and are urgently needed, so we must begin now. ■