

Introduction to Court Clerk Duties

Clerical Responsibilities - DAILY

- Sort day's mail.
- Process any payments received.
- Process guilty pleas and send out fine notices.
- Download vehicle and traffic tickets into case management system.
- Make bank deposits.
- Keep an accurate cashbook record of all monies received and deposited.
- Mail out trial notices for any small claims filings received.
- Respond to phone inquiries.
- Handle all transactions at court office window from those having business with the court.

Clerical Responsibilities - COURT SESSION

- Print out court calendar.
- At least one day prior to court day, review cases scheduled to be heard to insure that all forms/papers that are needed are in each case file
- Check files to make sure that required paperwork has been received prior to court appearance (i.e. PSI)
- Keep track of transports to make sure that the transports are coming from facilities
- Checking and operate the Digital Recorder
- Handle all Payment Transactions (including credit card transactions)

CLERICAL RESPONSIBILITIES – Information Management

Case Management System (CMS)

Case management systems are electronic docketing systems designed to track every court case from start to finish. Such systems include numerous court forms and letters that are frequently used by local courts.

Criminal Disposition Reporting (CDR)

A CDR is a **Criminal Disposition Report** that is used by the court to produce a record of the actions taken by the court on all fingerprintable criminal matters.

More on this later in your training.

WebDVS Reporting System

- Executive Law §221-a governs the development and maintenance of New York's statewide computerized registry of family offense orders of protection (OPs). A significant number of family offense protective orders are issued by town and village judges.
- WebDVS is the registry for family offense Orders of Protection.

More on this later in your training.

TSLED

- Reporting System for Vehicle and Traffic cases – these required reports go to the Department of Motor Vehicles.

More on this later in your training.

eJusticeNY Integrated Justice Portal

Internet site used by courts to retrieve certain confidential records. Prior registration and clearance is required to access eJustice. Every search must be related to a pending case – DCJS audits use of this portal. Users must recertify on a regular basis. All users **must** be fingerprinted.

Applications available to Courts:

- Criminal History Repository & Reason Codes
- Criminal Transactions Search
- DMV
- Immigration
- Orders of Protection
- Sex Offender Registry
- Inbox

Digital Recorder

- All court proceedings are required by the Office of Court Administration to be digitally recorded.
- The digital recorder is a laptop computer with a microphone and digital recording software installed that records the court's proceedings in order to maintain the official court record.
- The digital recorder is the electronic equivalent of a court stenographer.

Questions about the Digital Recorder can be answered by the Division of Technology: **1-800-622-2522, option 2**

MANAGING ACCESS TO COURT RECORDS

- **FOIL (Freedom of Information Law)**
- **Public Access to Records**
- **Litigant Access to Records**
- **Sealing and Sealed Records**
- **Youthful Offenders Dispositions**

Access to Court Records Generally

- Court files are generally open to the public.
 - Certain documents are not available to the public, but can be accessed by the court or parties to the case.
- Generally, documents should not be destroyed without authorization from OCA's Office of Records Management – records@nycourts.gov, 212-428-2875

Working with the Public – The Clerk's Role

The clerk is often the “face” of the court

Duty to be Neutral and Impartial

- Neutrality
 - Court clerks must remain neutral and cannot promote or recommend a particular course of action.
- Impartiality
 - Court clerks have an absolute duty of impartiality.
 - Advising a party of “what to do” crosses the line from impartiality to partiality.

Working with the Public

- Emotional self-discipline is one of the most important qualities of a clerk or judge.
- Expressions of irritation, anger or other negative emotion convey bias and undermines people's faith in the **impartiality** and **fairness** of court.
- Clerks **MUST NOT** give legal advice!

Definitions vs. Interpretations

- Clerks *can* provide **definitions**
 - What's a prosecutor's information?
- Clerks *cannot* offer **interpretations** of the law
 - My neighbors leave their kids home alone. Is that child abuse?
 - I want to evict so-and-so. What should I put as my grounds?

Procedures

- Clerks *can* provide procedural **explanations**
 - What happens at an arraignment?
- Clerks *cannot* provide procedural **advice** or **opinions**
 - Should I plead guilty?
 - Who should I sue?
 - How do I collect my small claims judgment?
 - Should I attempt to put a lien on this person's property or just do an income execution?

General Referrals to Others

- Clerks *can* make **general referrals**
 - Did the Town Board pass a town littering ordinance at last night's meeting? (*Referral to Town Offices.*)
 - DMV sent me something about a Driver Responsibility Assessment fee. What is that? (*Referral to DMV.*)
- Clerks *cannot* offer **subjective referrals**
 - Can you recommend a good attorney?

Working with Law Enforcement

- Be careful not to express friendly familiarity with law enforcement during court sessions. Such behavior jeopardizes the appearance of **neutrality** and **independence**.
- Keep law enforcement out of the court office and judge's chambers during court sessions.

Working with Attorneys

- Not possible!
- Your role is to work for the court, not for attorneys for EITHER side.

The Clerk's Role and the Judge's Role

Some Specific Examples

Pleas of Guilty by Mail

- All guilty pleas sent in by mail should be given to the judge to assess the fine/surcharge.
- The clerk should not write a suggested fine and surcharge amount on any case file.
- Clerk may provide information on the statutory fine/surcharge range in order to assist the judge with sentencing.
- The judge should set the fine/surcharge amounts, and the clerk may then send a fine notice out.

Assessing Fines/Bail

- Judges alone are authorized to sentence defendants. Each case must be reviewed and handled by the judge on a case-by-case basis.
- Judges cannot delegate permission to court clerks to assess fines or bail based on the judge's guidelines.
- Court clerks are not authorized to assess fines or bail.

Dismissing Cases

- Judges are responsible for adjudication. The judge should review to determine that a dismissal is appropriate under the law.
- Even equipment violations sent to the court with proof of repair should not be automatically dismissed by the clerk.
- Clerks should never dismiss cases.

Signatures

- A court clerk may not sign documents that require a judge's signature.



Questions