

OCA Reports Operations Return to Pre-9/11 Capacity

BY DANIEL WISE

THE SEPT. 11 attack on the World Trade Center dealt a severe body blow to the court system, but the courts have now fully recovered, according to top court officials.

In the immediate aftermath of the attack, with more than 17,000 lawyers frozen out of their offices in the red zone below 14th Street in Manhattan and the court system itself without phones, court operations were minimal, climbing several weeks later to perhaps 50 percent of capacity, recalled Chief Administrative Judge Jonathan Lippman.

By early spring, once the large institutional defenders, such as the City Corporation Counsel's Office, were back in their offices the courts were operating at close to 90 percent of capacity, Judge Lippman said. Now, a year later, he added, "we're back at 100 percent and strengthened because we've lived through inconceivable adversity."

Statistics compiled by the Office of Court Administration demonstrate a stark falloff in activity within the courts after the Sept. 11 attack through the end of the year.

In the Criminal Court, new filings fell by 30 percent, to 74,420 cases from 106,493 during the comparable period a year earlier. Similarly, case dispositions during the final four months of 2001 fell 27 percent, to 81,422. The falloff in Criminal Court was almost completely caused by the absence of police officers who were assigned to security duties in the months following the attack, Judge Lippman said.

New criminal cases filed in the Supreme Court also plummeted at the end of 2001, with new indictments down by 19 percent, to 6,983 from the same four months in 2000. Criminal dispositions were likewise down by 20 percent at the end of 2001.

Criminal filings and dispositions in Supreme Court have meanwhile largely rebounded in the first seven months of this year. As of July 12, both filings and dispositions were only 5 percent off last year's pace.

But that has not been the case in Criminal Court, where both filings and dispositions are off 16 percent through July 12 compared with the same period in 2001.

	New Filings		
	Jan. 1 - Sept. 11, 2001	Sept. 11 - Dec. 31, 2001	Jan. 1 - July 12, 2002
Criminal Court	- 5%	- 33%	- 16%
Supreme Court - Criminal	- 1%	- 19%	- 5%
Supreme Court - Civil	+ 9%	- 2%	+ 1%
Dispositions			
Criminal Court	- 4%	- 27%	- 16%
Supreme Court - Criminal	- 7%	- 20%	- 5%
Supreme Court - Civil	+ 9%	- 2%	- 2%

SOURCE: Office of Court Administration

Felony arrests fell by 10 percent from the comparable period a year earlier, a level consistent with those seen during the Giuliani Administration. But the drop in misdemeanor arrests by 16 percent to 142,809 contrasts with the 5 percent drop from the peak in 1998 until the end of 2001 if the impact of Sept. 11 is discounted, according to a projection from court data. Similarly, arrests for petty crimes were off in the first 7.5 months of this year, by 23.5 percent to 20,674.

Criminal Justice Coordinator John Feinblatt said there has been no change in priorities by the Bloomberg Administration. To the extent the drop in misdemeanor arrests is larger than in the past, he explained, it reflects Sept. 11 repercussions in the early part of the year.

Criminal Court Administrative Judge Judith Kluger said that to some extent the decline in the court's dispositions could be attributed to the lower level of arrests through July 12 of this year. But she also said that the low level of arrests on petty charges has resulted in fewer cases being resolved at arraignment. Low-level cases are the most likely ones to be disposed of at arraignment, she explained.

Through July 12, Judge Kluger noted, there has been a 20 percent decline - to 104,040 - in the number of cases resolved at arraignment compared with the same period in 2001.

Quick Rebound in Civil Suits

The post-Sept. 11 drop in new civil filings in Supreme Court was short-lived. The new filings in September 2001 dropped to 5,796, a fall of about 20 percent from levels in the months immediately preceding the attack. But the level quickly rebounded to 7,450 in October, which was the second-highest month of the year. Judge Lippman said that court officials were surprised that the level of new lawsuits had bounced back so quickly given the huge amount of dislocation experienced by the legal community.

Dispositions in Supreme Court civil cases were off much more sharply in the final four months of last year, by 25 percent.

Civil case dispositions in 2002, however, have yet to rebound the way filings did and remain 22 percent off last year's level during the first 7.5 months of this year (56,785 this year compared with 72,741 during the same 7.5 months in 2001).

The continuing large drop in dispositions in 2002 reflects the success of the court system in hammering out dispositions of cases prior to trial in 2001 rather than any shortcomings in the court system in the current year, Judge Lippman said.

Both Brooklyn and Queens had aggressive programs in place in 2001 to resolve cases while they remained in discovery, Judge Lippman said. The drop off in 2002 reflects only a return to "what could be expected as a reasonably efficient level," he said.

The level of dispositions in Brooklyn through July 12 was off 30 percent this year, to 15,700 compared with the 22,411 cases resolved during the same period in 2001. Similarly, in Queens there was an 18

percent drop, to 14,265 completed cases.

The one exception, Judge Lippman added, was Manhattan, which was the borough most directly affected by the attack. Activity in Manhattan is now back to normal, he said, but the aftershocks of the attack lingered well into this year. The level of dispositions in Manhattan Supreme Court this year is off last year's pace by 22 percent to 16,116.

In addition, Judge Lippman said, there has been a backup in the handling of tax certiorari cases in Manhattan in the wake of the arrests in February of 18 current and former city tax assessors for taking millions of dollars in bribes to cut the property taxes of building owners.

In the Bronx the level of dispositions through July 12 was off last year's level of 9,330 by only 8 percent.