

Justice Courts in New York State

*John Q. Barrett**

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Robert H. Jackson, after graduating from Frewsburg (New York) High School in 1909 and spending the next year as a post-graduate student at Jamestown High School, never attended college. Instead, in fall 1910, he began to work and study law in the office of two Jamestown lawyers, Frank Mott and Benjamin Dean.

Because Mott was a talented public speaker who was very active in city, county and state politics, he had a large following and many people brought their problems to him. Mott soon began to turn many of the smaller ones over to his eighteen-year-old apprentice, Robert Jackson. Some of these problems were adversary matters—disputes that could be brought as legal cases, or that already had been filed in local courts and needed to be answered.

Jackson, just out of high school, began to try these cases, in and around Jamestown and throughout Chautauqua County, New York, and its region, in local institutions called “Justice Courts.” The judges in Justice Courts typically were lay justices of the peace, not lawyers. The jurors and witnesses were friends and neighbors of everyone involved.

Robert Jackson had first attended Justice Court trials when he was a high school boy in Frewsburg. They were well-attended community events—in that time before movies, radio and television, many people came to see and hear the contests, which often pitted leading citizens against each other. Many represented themselves. Some were represented by lawyers. Some of these lawyers were local and others came from out-of-town. Many of them were unpaid volunteers, although some were paid and others, if victorious, earned contingent fees. The trials were informal, common sense proceedings. They were held wherever people could gather, including in private homes, churches, dance halls and Masonic meeting rooms.

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For a selected archive of Jackson List posts, see my homepage at www.law.stjohns.edu. To subscribe to the Jackson List, which does not display recipient identities or distribute their email addresses, send a note to barrettj@stjohns.edu.

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As a law apprentice in Jamestown, Jackson made his early reputation in Justice Court trials. He later recalled that each

was a real contest with few rules to govern. A young lawyer if he got off some witty remarks at his adversary, if he got out of a hole that the group could see was being dug for him, got business. It was a rough and tumble training by which a man quickly proved his mettle. Word went around that he did a good job or that he didn't. Often these remarks had very little relation to real legal ability, but it was of prime importance that a lawyer hold his own in a rough and tumble debating contest.

Jackson's Justice Court cases included alleged assaults and disputes involving sales of lumber, horses and cows. In one, he represented a man who had bought a Holstein cow on the representation that she was "with calf" by a thoroughbred Holstein bull. When the calf arrived, it was obviously half-Jersey, so the buyer got Jackson to file a Justice Court suit against the seller for misrepresentation. The trial took two days. As Jackson put it, "We tried the love life of Bossie the cow with the whole community attending." He won a \$15 verdict, vindicating his client's claim if not Bossie's honor and earning a \$5 fee.

Robert Jackson tried his last Justice Court case in the early 1930s, shortly before President Franklin D. Roosevelt nominated Jackson to hold national office in Washington and he joined the New Deal. Because a lot of people came to see Jackson try that case, the trial occurred in a barn—the judge's home was too small to hold everyone. The trial occurred in the evening, by the light of hanging lanterns. The crowd sat on boards placed across potato crates.

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In New York State today, Justice Courts exist in over 1,200 towns and villages. Their 2000+ justices of the peace hear more than 2 million cases each year and collect more than \$210 million in fines and fees. In September 2006, media reported on operational and personnel problems in Justice Courts.¹ In November 2006, the Chief Judge of the State of New

¹ See William Glaberson, *In Tiny Courts of N.Y., Abuses of Law and Power*, N.Y. TIMES, Sept. 25, 2006, www.nytimes.com/2006/09/25/nyregion/25courts.html; William Glaberson, *Small-Town*

JUSTICE COURTS IN NEW YORK STATE

York and the Chief Administrative Judge appointed a special commission in New York's Unified Court System to pursue an action plan to assist and improve Justice Courts, including through court facility standards, enhanced resources, and education and training for justices. In September 2008, the commission reported on improvements that have been achieved in Justice Court resources and procedures.²

Oversight by media, the New York State judicial system and the special commission are, in some senses, our ways of going out to the barn, with lanterns, to see what is happening in Justice Court. I hope that a visitor to these town and village courts today finds, at least occasionally, in some role, a modern Ben Dean, a Frank Mott, and even a Bob Jackson in action.

Justice, With Trial and Error, N.Y. TIMES, Sept. 26, 2006, www.nytimes.com/2006/09/26/nyregion/26courts.html; William Glaberson, *How a Reviled Court System Has Outlasted Critics*, N.Y. TIMES, Sept. 27, 2006, www.nytimes.com/2006/09/27/nyregion/27courts.html.

² The commission's website is www.courts.state.ny.us/courts/townandvillage/actionplan.shtml. It includes the 2006 action plan and the September 2008 report.