



OFFICE OF THE DISTRICT ATTORNEY

County of Orleans

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May 31, 2024

HON. JAMES P. MURPHY, J.S.C.
New York State Unified Court System
401 Montgomery Street, Room 400
Syracuse, New York 13202

Re: INTRODUCTORY LOCAL LAW No. 3 of 2024

Dear Judge Murphy:

Thank you for taking the time to speak with me yesterday about Orleans County's efforts to pursue the establishment of a District Court System. As we discussed, I believe some of the information you have been provided about our efforts is not accurate. With your position being that how we are proceeding has some "serious constitutional issues," I would like to address your concerns and some mis-information you may have received.

Our District Court Committee has been in place since 2019 and has included members of our County Legislature, our Chief Administrative Officer, the County Sheriff, the Public Defender, members of our County Magistrates Association, a member from the community, a representative from the Office of Court Administration, and myself as District Attorney. Our monthly meetings have culminated in an extensive report entitled "ORLEANS COUNTY PROPOSED DISTRICT COURT STUDY & PLAN." This plan has been published on a website established by Orleans County together with a multitude of our materials to keep the public aware of our progress and the respective issues.

https://www.orleanscountyny.gov/departments/court_and_law/district_court_committee.php

It concerns me that you have just "recently learned that Orleans County has expressed an interest in establishing a district court." I can assure you that for the past couple of years we have been communicating with representatives from OCA both out of the Buffalo and Albany Offices and have shared with them all the information that appears on our website. In fact some of the information is information OCA has provided to us.

SUSAN M. HOWARD
First Assistant District Attorney

JOHN C. GAVENDA
Assistant District Attorney

ELIZABETH K. OGDEN
Assistant District Attorney

JOHN S. SANSONE
Assistant District Attorney

Also, it appears from your letter that you are of the believe that we are attempting to dissolve our town courts. We recognize that is a separate and distinct process that is set forth in Section 6, Article 17 of the New York State Constitution that has to be determined on the Town level by public referendum. It is our intent that issue will be addressed by each of the Towns when if ever a District Court is established. We understand that there has been no District Court established in New York since it was done nearly 60 years ago and that there is no current clear roadmap given the multitude of laws that have come into being since that time. Nevertheless, it is important that you know that we did reach out to the Unified Court System and frankly we've been operating under the belief that our efforts have been communicated to the proper individuals with OCA.

Our biggest concern however relates to the misunderstanding as to what Orleans County is currently doing to establish a District Court system. Contrary to what you may have been told, we are well aware it is not as simple as passing a local law. We understand that it requires a local resolution by our County Legislature requesting that State Government authorize the establishment of a District Court and that once that it is in place that there be a referendum at the County level adopting the State plan.

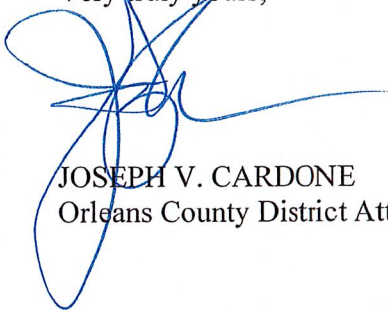
Yesterday you pointed out that it was not necessary for the County to have a referendum prior to State approval of a particular plan. By having public hearings and considering a referendum for this Fall our thought was to see if the majority of the residents of Orleans County were in support of a District Court Plan before we went to the State. It made no sense to us to pursue something our county residents would not support. I have checked with our County Attorney Katherine Bogan and she agrees with your position that no Advisory Referendum is needed to proceed with our pursuit of requesting the State to authorize a District Court Plan for our County.

Having said that we do intend to go forward with the public hearing this Tuesday night for the purpose of receiving as much input from the community as possible. We will then proceed by County Resolution as you suggest. It is not our intent to try to establish a District Court by passing a local law without going through the proper procedure. Our only purpose in drafting a proposed local law was in response to input we had received at previous public hearings as to what exactly this law may look like. On behalf of the committee, we would appreciate you having your counsel look at our materials as they appear on our website and provide us with any additional input that might be helpful.

Unfortunately, it appears from your comments that the proposed local law you were given and are referring to in your letter regarding "providing a physical courthouse" comes from a previous version of the proposed plan from what we are now proposing. Our county's government fully understands that if a District Court is adopted it will be County expense to provide a Courthouse facility for the District Court.

In the months to come the Committee is hopeful of a close working relationship with your office as we proceed through the process. Given our conversation and the content of this letter I am hopeful that you concur that we are proceeding pursuant to the law and your recommendations. Thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JOSEPH V. CARDONE
Orleans County District Attorney