Home Court Advantage: When the Judge Comes Calling, Everyone Benefits

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Home court advantage

When the judge comes calling, everyone benefits

"Willie, I have something invested in getting you through this program, because you have been with us since way back in February of 2001. Everything appears to be well, because you seem to be doing what you need to do to align your life with your treatment."

—Amherst Town Justice Mark Farrell

The Law School's state-of-the-art working courtroom is working harder these days, as local judges — many of them adjunct faculty members at the Law School — hold court in the first-floor O'Brian Hall facility. The combination of academia and jurisprudence is working exceptionally well.

"We want to expose the law students to actual clinical settings and how they operate," says Amherst Town Justice Mark Farrell, who presided over a recent session of his Therapeutic Drug Court in the Letro Courtroom. Farrell and Niagara Falls City Court Judge Mark Violante co-taught a course on Therapeutic Justice Courts in the spring semester. The full-term course originally had been taught as a bridge course; it covers therapeutic courts dealing with domestic violence, drugs, mental health and gambling. Such courts are intended to reduce criminal recidivism by attacking the root cause of the offender's problems. "These therapeutic courts have been a way to address some of the more recurring problems and address them systematically," Farrell says.

Farrell's and Violante's students sat in on the recent drug court session at UB, and watched as Farrell ran through a thick docket of cases — defendants returning week after week to report on their progress in drug treatment and in getting their lives back in order. The processing even extended to obtaining urine samples from some defendants to check for drug use.

"It's definitely better to be able to see the court in person," one law student says. "You can see the reactions of the defendants — who's defiant, who's glad to be here.

"Judge Farrell did 25 cases today — that's a very busy calendar for him. The last time, we were here for hours."

"Everything's down the left-hand side, as they say in the military. Excellent, good, good. Are you working now?" "Yes, I am."

"Where?"

"Wendy's fine dining."

"Well, you dress well to come to drug court, so brownie points for you."

Farrell is not the only judge to have taken his court show on the road to UB. U.S. Bankruptcy Court Judge Michael J. Kaplan has held a full-day session of his court in the O'Brian Hall courtroom.

"It is an excellent courtroom, very
well laid out for non-jury matters," Kaplan says. "The acoustics are very good, as are the chambers and conference facilities."

Kaplan said other factors entered into the decision about what cases to hear in Amherst. "There were a couple of cases that people wanted to argue in front of me out there that I said I didn’t want to hear, because the parties are well-known in the local community," he said. "I didn’t want a student walking in and hearing a name they were familiar with, and walking out 10 minutes later with the impression that something that they heard was necessarily true."

The O’Brien Hall session, he said, was "exclusively for the benefit of the Law School, and the hope was that it would benefit both the Law School as an institution and the student body. It was a typical day in the life of the attorneys who appear in Bankruptcy Court. I consider it part of my outreach efforts to give young lawyers and prospective lawyers a taste of commercial law.

"I’d be happy to do it again, to give a little taste of commercial law practice to students who may be considering it and don’t have the opportunity to do a clinical program to otherwise get the taste of it."

UB Law Professor James Wooten says he didn’t require the students in his upper-level bankruptcy course to attend, but says those who did got a treat.

"I thought it was just great," Wooten says. "There were a lot of cases that were sort of run-of-the-mill, so students could get a feel for the ordinary course of how bankruptcy cases work, and a couple of cases that were just fascinatingly complex. Judge Kaplan was just great on the complex issues and across the board in explaining what was going on."

"The students I spoke to felt that they had a more practical understanding of how bankruptcy court works after they saw it in action."

Kaplan’s colleague in federal Bankruptcy Court, Judge Carl L. Bucki, says he, too, would like to give the Francis M. Letro Courtroom a try.

"It’s more a question for the litigants," Bucki says. "For example, we have some calendars that are heavy with consumer cases, so you end up with a certain percentage of the people who don’t have automobiles; for them, the downtown location is easier. The other question is to find matters that are appropriate for the law students. If we can get something that fits in perfectly that links well with what a particular professor is doing, then the courtroom would be ideal to utilize.

"For example, if I just happen to have a motion on a Uniform Commercial Code question that was interesting and being argued diligently and that could be segmented into an hour, an hour and a half of time, and if it could link into a UCC course, it would be beneficial to everybody."

Two jurists who are already making good use of the new courtroom are State Supreme Court Justices Vincent E. Doyle Jr. ’56 and Barbara Howe ’80, who conduct Article 81 proceedings — the process by which guardians are appointed for allegedly incapacitated persons — in the facility. The proceedings dovetail with a course co-taught by UB Law Professor Ken Joyce, who helped draft the original statute when he was executive director of the Law Revision Commission.

In that class, students were able to be present during judicial hearings on guardianship petitions, and then class was convened immediately following the proceedings. The judges and the attorneys were part of the class, affording a unique and immediate insight into the workings of such judicial proceedings.

"Not only were they able to deal with the traditional academic study of this legal remedy," Olsen says, "they made the proceedings a part of the class."

Justice Doyle, who divides his time between Erie and Niagara counties, has decided to locate his Erie County chambers in the Law School courtroom. Doyle, who recently stepped down as presiding justice of the 8th Judicial District, will conduct judicial proceedings in the O’Brien Hall facility and be in residence with his staff — including a receptionist, clerk, law clerk and security officer — on the days he is in Erie County.

"He has been very supportive of the idea of trying to have as many judicial proceedings as possible here," says UB Law Dean Nils Olsen. "He thought it would be useful to have somebody in residence here. We are delighted to be able to give our law students this kind of exceptional experience while they are in school."

And the courtroom recently hosted its second jury trial — the first on a state level — when State Supreme Court Justice Ralph Boniello ’69 tried an unusual negligence case there. Boniello says he had promised to bring a case to the courtroom if an appropriate one came along — and it did, in a negligence action involving a class of vocational-education students. After a day of forestry work, the students were heading back to their bus when their instructor decided to trim away a heavy broken branch from one last tree. The instructor told the class to stand an assumedly safe distance away, but when the limb began to come down, it fell toward the group. One student panicked — and ran directly under the falling limb, which left him with severe injuries including paralysis. The case hinged on the student’s culpability in his own injuries. The trial dealt only with liability, not damages.

"I thought it was a great opportunity for the students," Boniello says.

After the successful conclusion of the nine-day jury trial, Justice Boniello found the process most satisfactory.

"The court facilities were excellent and the Law School staff was very attentive to our needs. The trial started with the jury reporting to the Angelo A. Delsgnere Civic Building and thereafter being taken to the Law School by a van provided by the Law School. However, after the second day, all of the jurors requested to drive on their own. I spoke with the jury after the trial and all were very positive about the experience and commented the Law School staff on the hospitality extended during the course of the trial. I also spoke with the attorneys after the trial. All counsel were positive about the location of the trial and the UB Law School courtroom. During the course of the trial, I spoke to some of the students and they were very excited about the opportunity to observe the trial."

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