

(6) Court Clerk Responsibilities²

Below are two lists: one details the myriad responsibilities that fall within the purview of the court clerk; the other summarizes the knowledge and abilities that court clerks possess or acquire through training. These lists are provided so that a judge and municipality can intelligently discuss the benefits that a court clerk can provide. The items below can also form the basis for a list of job duties should a municipality need to fill a vacancy in a court clerk position.

Primary Responsibilities

- a. Maintain confidentiality of records and information when required to do so
- b. Prepare court calendar
- c. Collect monies, reconcile daily receipts, deposit receipts, prepare reports for monthly disbursements, reconcile bank accounts, and prepare administrative reports
- d. Enter convictions on drivers' licenses and prepare conviction reports electronically transmitted to the Department of Motor Vehicles
- e. Enter criminal conviction on NCIC reports and electronically send same to Division of Criminal Justice Services
- f. Respond to inquiries—in person, by phone, by e-mail and by mail—and provide assistance to lawyers, litigants, media, and members of the public
- g. Prepare monthly reports that are electronically sent to the Office of the State Comptroller
- h. Prepare orders, summonses, warrants and other court forms
- i. Communicate with outside agencies in order to coordinate the Court's activities and provide services to litigants. Such agencies include:
 - i. Law enforcement agencies, such as local police departments, New York State Police, Sheriff's office, FBI and CIA, US Armed Forces, and the Office of the District Attorney;
 - ii. Other courts, including superior courts and other local town and village courts; and
 - iii. Miscellaneous county agencies, such as Community Service, Community Dispute Resolution Center, Pre-trial Release, Probation, Stop DWI program, Victim Impact Panel, and Youth Court.
 - iv. State agencies that require periodic reporting, including the New York State Unified Court System, the Department of Motor Vehicles, the Office of the State Comptroller, the Division of Criminal Justice Services, and the Office of Court Record Retention.
- j. Examine court documents to ensure their accuracy and completeness
- k. Receive and file summonses, traffic tickets and other documents for court proceedings
- l. Assist the Justice at the bench during all Court proceedings

²Adapted from material prepared by Terri Bolt, Court Clerk, Town of Victor Justice Court.

Requisite knowledge, skills and abilities:

- a. Knowledge of:
 - i. The functions and organization of the Unified Court System
 - ii. Basic legal terminology, codes and abbreviations
 - iii. Court forms, practices and procedures, including those set forth in the Uniform Justice Court Act and the Uniform Civil Rules for the Justice Courts (22 NYCRR Part 214)
- b. Ability to:
 - i. Prepare judicial orders and decisions
 - ii. Effectively communicate information orally and in writing
 - iii. File and retrieve materials, extract data from various sources for entry onto court forms
 - iv. Research and interpret laws outlined in court documents and litigants' motions and other papers
 - v. Perform mathematical tasks in order to compile court activity reports, total receipts, accept payments, and verify bills
 - vi. Refer to appropriate documents, statutes, citations or other sources in order to respond to specific questions from attorneys, litigants and members of the general public
 - vii. Interpret policies, statutes, rules and regulations and apply them in specific contexts
 - viii. Establish work priorities
 - ix. Constructively manage conflict with court users

(7) Miscellaneous Information

A clerk to the town justice must file an oath of office and post a bond and is required to meet the local residency requirements established by Public Officers Law § 3. 1983 Op Atty Gen (Inf) 1140 (No 83-63(I)). See also UJCA § 111(b)-(c).

As a general rule, one person may not hold simultaneously the positions of town council person and clerk of the town justice court. Although the Attorney General has advised that it might be permissible under certain circumstances and if it furthers the public interest to do so to establish an exception to the common law rule of compatibility of office and permit such dual employment (*see*, 1984 Op Atty Gen (Inf) 102 (No 84-21(I))), the Advisory Committee on Judicial Ethics has determined that such dual employment is impermissible under the rules governing judicial conduct. Adv Op 03-21 (opining that a village justice court clerk may not retain that position while simultaneously holding the office of village trustee).