

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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What to Do if You Are Not Treated Fairly in Court

You should be treated fairly and with respect when you go to court. If you had a court hearing and the Town, Village, or City Judge or Justice did not treat you with fairness and courtesy, you have a right to complain. The complaint form is available online at the following address: <http://www.scjc.state.ny.us/General.Information/Gen.Info.Pages/filecomplaint.htm>. More information is available at: <http://www.scjc.state.ny.us>. You can also call 585-784-4141.

The Commission is not a court of appeals. You should not complain to the Commission just because a justice ruled against you. For example, do not complain to the Commission if a justice decided that you broke the rules of your lease, but you think that you didn't break the rules.

When should I file a complaint with the Commission?

You may want to file a complaint with the commission if the justice:

- Does not let you speak
- Does not let you ask questions
- Does not let you raise valid claims
- Says things that make you believe that he or she is biased against you because of race, gender, religion, income, etc.

Here are some other examples of unfair treatment in eviction cases:

- The justice refused to consider your claim for reduced rent based on problems with the condition of the home.
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The justice did not allow you to speak about or submit evidence about the basic procedural requirements for an eviction, such as correct service of the court papers, a correct rent demand, or a termination notice.

- The justice told you that you could not raise a defense without an attorney or could not answer the papers orally in court.
- The justice gave the opposing party legal advice about your case prior to your hearing, such as filling out the landlord's eviction papers.
- The justice assumed that you owed rent and would be evicted without making the landlord prove the case, and did not allow you to dispute the landlord's claims.

Remember: Justices should be treated with respect and courtesy as well. Do not speak while the judge is speaking, do not raise your voice, and always address the justice as "Your Honor."

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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