

JOINT LEGISLATIVE HEARING ON THE 2017-2018 JUDICIARY BUDGET

REMARKS OF CHIEF ADMINISTRATIVE JUDGE LAWRENCE K. MARKS

JANUARY 31, 2017

Good morning, Chairpersons Young, Farrell, Bonacic and Weinstein, committee members, staff, ladies and gentlemen. It is a pleasure and honor for me to be here to discuss the fiscal needs of the State's Judiciary. On behalf of Chief Judge Janet DiFiore and the entire NYS court system, thank you for the opportunity to speak with you today about the Unified Court System's budget request.

The Judiciary budget request before you is the first submitted by the new Chief Judge, who was confirmed just a year ago this month. This budget request very much reflects the highest priority of the new Chief Judge – the Excellence Initiative – a comprehensive, statewide effort to achieve operational and decisional excellence in everything we do in the Judiciary.

The primary focus of this effort has been on fundamentals – the Judiciary's core mission to fairly and promptly adjudicate each of the millions of cases filed in our courts every year. Over the past year, and continuing this year, we have been working closely with our Administrative Judges and local court administrators across the state, and with the bar, prosecutor's offices and other partners and stakeholders in the justice community. We've undertaken an extensive examination into the causes of backlogs, bottlenecks and delays. Based on this self-examination, we have designed and implemented changes such as restructuring how courts process cases, redeploying judges and court personnel, and increasing trial capacity, all tailored to the needs and circumstances of individual courts and

jurisdictions.

Next month the Chief Judge will be addressing this issue in greater detail in her State of the Judiciary address, but I can report to you that we have made real progress over the past year – case backlogs and delays have been reduced in courts throughout the state, in all levels. However, we have a lot more work to do in trying to change a culture in the justice community that, frankly, has been far too tolerant than it should be of delays and inefficiency. And although there is much we can do to address this problem that will not cost additional money, there is no question that approval of our budget request – and the money it will provide to hire additional people and to bolster our infrastructure – will enable us to do more over the next year, and build on the progress we have made.

The proposed budget is straightforward. We are seeking a 2% increase in our operating budget. That represents a \$42.7 million increase over our current year operating budget. This modest increase, consistent with the benchmark set by the Governor, will allow us to continue to replace employees when they leave the court system.

For the most part, we were not able to do that in the years when our budgets were cut or kept flat. The resulting loss of court staff had a negative impact on our operations and the services that we provide to the public. But the modest increases in our budgets over the most recent years have allowed us to replace employees when they leave, as well as fill a number of additional vacancies. The budget request before you would allow us to continue on this path; our goal, under this proposed budget, is to increase our staffing by approximately 200 positions over the current level. The focus of that hiring will be on courtroom titles – court clerks, court officers, court reporters, court interpreters and back-office staff that support the work done in the courtrooms.

The proposed budget will also allow us to begin to restore support for a number of programs that were cut five to six years ago. For example, we will expand evening hours in Small Claims Court in New York City, which will reduce delays in calendaring those cases and provide greater convenience for litigants; we will increase funding across the state for community dispute resolution centers, which recruit, train and supervise volunteers who provide low-cost mediation and alternative dispute resolution services in court matters, for people who are unable to pay for these services; we will increase funding for the CASA program, which operates statewide to recruit, train and supervise volunteers appointed by the family court to advocate for abused, neglected or at-risk children. Likewise, we will increase funding for children's centers, which provide a vital service to parents appearing in family and other courts; and we will also increase funding for the Justice Court Assistance Program, which has played an important role in improving the operations of the more than 1,200 Town and Village Courts across the state.

In addition to the 2% increase we are seeking in our operating budget, we are seeking a modest capital appropriation of \$15 million. This money would be used to support and build the court system's infrastructure – in particular, our technology and our public safety infrastructure, which have suffered in recent years. The key projects that would be supported by proposed capital appropriation are:

- First, a portion of the appropriation would be dedicated to upgrading and modernizing the court system's statewide computer network. This network connects every courthouse and court office in the state, and is critical to virtually everything we do – our phone system operates over the network, it supports our automated case management and e-filing systems, and enables

rapid and accurate data transmission between the courts and our partners in the justice community. Components of the network are reaching the end of their expected life, and without essential upgrading, the system is at risk.

- In addition, a portion of the appropriation (\$4.5 million) would be used to purchase a case management system for the state's town and village courts. The privately-owned case management system currently used by over 95% of the Justice Courts is about to be sold, so purchase of the system by the Judiciary will ensure continuity and security for the Justice Courts as well as save local governments significant annual licensing fees.
- The capital appropriation will also allow us to replace outdated courthouse metal detectors and other security screening devices reaching the end of their useful life; and purchase bullet-proof vests worn by our court officers, which are also reaching the end of their effectiveness.

Finally, I want to briefly address access to justice. Other than the Excellence Initiative, if I had to identify a second top priority in the court system right now, it would be improving access to justice. We are committed to continuing to expand access to justice for the hundreds of thousands of people who come to our courts each year without the assistance of a lawyer. We are addressing this enormous problem – which we call the “justice gap” – on multiple fronts. We are encouraging the bar to perform more pro bono work; we are urging law schools to utilize law students to attack the problem; we are exploring how non-attorneys, within the bounds of the law, can help; and we have used our own funding in the Judiciary budget to award monetary grants to legal service providers, so they can hire additional lawyers to represent people who can't afford a lawyer. We are also

leveraging technology to ensure access to justice, through such initiatives as a program that allows victims of domestic violence to seek an order of protection remotely, by video, and another program that allows the court to issue orders of protection in a bilingual format (currently in three languages, with additional languages to come) so that both the protected party and the respondent are on clear notice about the scope of the court's order.

Funding for civil legal services in our budget reached \$100 million in the current fiscal year – the goal that was set a number of years ago. We are continuing that amount in this budget request, but because the goal of \$100 million has now been met (and, by the way, that is not nearly enough money to provide a lawyer for everyone who can not afford one), we are not seeking any additional money for civil legal services in this proposed budget.

On behalf of the Chief Judge, and the entire New York State Judiciary, I want to thank you for your support of the civil legal services initiative, and indeed, of the Judiciary generally. We look forward to continuing to work with you as we seek to better meet the justice needs of all New Yorkers. At this time I would be happy to answer any questions you may have.