

**REPORT IN SUPPORT OF THE
JUDICIARY'S 2017-2018 BUDGET REQUEST**

The New York City Bar Association¹ urges the Legislature to accept the Judiciary's 2017-2018 Budget Request in its entirety.

This year's proposed budget is \$2.18 billion, an increase of \$42.7 million, 2.0% over last year's budget. It also includes a request for capital improvements – primarily new computer software for the courts' data management and computer network systems. These funds are critical to the Chief Judge's announced Excellence Initiative, "a comprehensive and critical evaluation of court operations and administration at every level."² The proposed budget seeks to increase court clerk, officer, interpreter and reporter staffs by 200 employees, increase Small Claims Court hours, decrease the lag between filing and first court appearance, improve ADR services and increase support for Special Advocates for at-risk children.

As a reminder of the past fiscal restraints on the Judiciary and to put the current budget request in context, in 2011-12, \$170 million was cut from the prior year's budget, ultimately resulting in a loss of 2,000 staff positions in the court system. In the next two years, there were zero increases to the budget. In 2014-15 and 2015-16 increases of 2.5% were granted, and last year, there was an increase of 2.4%.

Since 2009-10, the annual budget has been increased \$120 million (avg. 0.9% per year), which is less than the amount cut in 2011.

Despite these cuts, and through remarkably difficult times, coping with reduced resources over the past few years, the Judiciary has made necessary adjustments, maintained the high level of justice that the State of New York and its citizens, and the people who litigate or are prosecuted in our courts, deserve and expect, and is now seeing measurable improvements in the quality of its judicial services. Statewide, the number of older cases still pending has declined, as has the backlog affecting more recent cases. In 2015 (the most recent year for which statistics are available), the average age of a civil case in Supreme Court statewide declined to 564 days, about where it was before the 2011 budget cuts. In New York City, the average age of a civil case in Supreme Court declined to 806 days, also about where it was in 2009-10.

¹ This report was authored by the New York City Bar's Council on Judicial Administration. The Council is chaired by the Honorable Carolyn Demarest. The report was prepared by the Council's Judiciary Budget Subcommittee, Raymond L. Vandenberg, Chair.

² Judiciary Budget, FY 2017-18, Executive Summary, page i, *available at* <http://www.nycourts.gov/admin/financialops/BGT17-18/2017-18-UCS-Budget.PDF>.

Two-hundred and fifty staff employees have been added since 2014, which has allowed some of the draconian measures described in the City Bar's prior years' reports – such as early court closings - to be ended. With this year's increased funds, another 200 court clerks, officers, interpreters, and reporters are expected to be hired, which will further improve the courts' functions.

The importance of these proposed new non-judicial staff positions, especially court officers, is exemplified by recent improvements in the New York City Criminal Courts. Anecdotally, the most oft-repeated complaints about Criminal Courts since 2011 related to trial delays and court closings due to insufficient numbers of court officers, reporters and interpreters. While there is still a shortage of Criminal Court judges, which should be alleviated soon by the new judges who were just appointed, and more to be appointed, there have been continued instances in which a court part (most often a trial part) could not be opened because there were not enough court officers to staff it, or no available court reporters and/or interpreters -- a problem exacerbated in multiple defendant cases, which require more court officers for security purposes and sometimes more interpreters. The additional court staff that can be trained and hired with the funds provided by the budget increase will go a long way to increasing court efficiency and providing relief from the court delays experienced in the past.

Last year it was also reported that there was an insufficient number of court attorneys to assist Criminal Court judges, with four judges having no court attorneys for part of the year, and two having none for the entire year. Fortunately that shortage is about to be alleviated; we understand that OCA will soon report that additional court attorneys are being hired to adequately staff the Criminal Court judges.

In the New York City Housing Court and in Family Court, the volume of cases continues at a high level, with many complicated by unrepresented parties with language and disability issues. Additional court attorneys, court officers and interpreters provided by this year's budget will continue to improve these courts' adjudication of their cases.

The Judiciary Budget Request also includes funds for civil legal services to help ensure equal access to justice for low income New Yorkers facing housing, consumer debt and other legal problems pertaining to the essentials of life. Adequately funded legal services helps domestic violence victims, senior citizens, and the formerly incarcerated seeking reentry into society as well as other vulnerable individuals and families. For every dollar invested in civil legal services, the State of New York receives more than ten dollars in economic benefits as a result of reduced social services and other public expenditures, as well as an inflow of federal benefits.³

Another important component of this year's budget is the capital funding request, which will enable the Judiciary to improve services with fewer staff positions. The money will be used to further enhance the automated case management systems, expand electronic case filing, facilitate data transmission among various State agencies, modernize the wide-area-network

³ Testimony of Neil Steinkamp, Managing Director, Stout Risius Ross, at the Chief Judge's Hearing on Civil Legal Services, Appellate Division, First Dep't, Sept. 29, 2015.

system, improve performance evaluation of court-related programs and make court system records more accessible and user-friendly to members of the bar and the public.

In summary, the strides that have been made in the past four years have begun to show tangible, positive results. We applaud the Governor and the Legislature, as well as the Judiciary leadership for their work in getting us through the financial crisis and putting us on a track toward a more efficient and productive judicial system. This year's budget is key to the continuation of that progress and we urge the Legislature to adopt it without change.

January 2017

