

**JOINT LEGISLATIVE HEARING ON THE FY 2026 JUDICIARY
BUDGET**

STATEMENT OF CHIEF ADMINISTRATIVE JUDGE JOSEPH A. ZAYAS

February 13, 2025

Good morning Chairpersons Krueger, Pretlow, Hoylman-Sigal, and Lavine, and all the other committee members participating today. I am Joseph Zayas, the Chief Administrative Judge of the New York State Unified Court System. It is my pleasure to be with you this morning to discuss the Judiciary’s budget request for the 2025-26 State Fiscal Year.

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I appear today on behalf of Chief Judge Rowan D. Wilson, the Unified Court System’s dedicated leadership team, and the over 17,000 judges and nonjudicial employees who make our courts run every day. Collectively, we are committed to ensuring that our Judiciary has the resources it needs so that all New Yorkers have access to the fair, efficient, and thoughtful administration of justice.

Chief Judge Wilson speaks eloquently — and insistently — about reimagining all of our courts as vehicles for solving problems, rather than merely assigning blame and liability. We should, in the Chief’s vision, “think of courts as problem solvers, not solely as adjudicators of which party is right.” Our leadership team has embraced this innovative approach wholeheartedly. We want New Yorkers to count on our courts to resolve their disputes — whatever their nature, and no matter their complexity, sensitivity, and potential ramifications — expeditiously, impartially, knowledgably, and just as importantly, with compassion and empathy. But for the Judiciary to properly serve this critical function, and for New Yorkers to have confidence in the

judicial branch, our courts need to be adequately resourced. We need enough judges, court attorneys, court reporters, clerical staff, court officers, and interpreters, so that all of our courts are operating at full capacity and every case promptly receives the attention it deserves. We need a modernized, accessible physical plant with the right tools and technologies, so we can, for example, pivot seamlessly between in-person and virtual court proceedings, and facilitate convenient access-to-justice by making it easier to file court papers and obtain court services. And we need to continue to enhance UCS's robust training and professional development opportunities, so that our judges and nonjudicial staff are continually kept abreast of important changes in the law and evolving best practices.

Last year's budget, which followed more than a decade of either flat or austerity funding, allowed us to make meaningful progress in achieving these ambitious goals. It funded additional judgeships and nonjudicial positions in our Family and Housing Courts, new court attorney positions in the trial courts, and provided critical resources to expand the reach and impact of our mental health and other problem-solving courts. It also permitted us to begin to address a historically low staffing level for nonjudicial personnel.

With this year's budget request, we aim to continue building on this momentum. Our State Operating Cash estimate of \$3 billion reflects a base increase of \$171.2M million, which is necessary just to maintain our existing operations, including the annualization of new judgeships authorized in 2023 and 2024, and contractually mandated raises and benefits for nonjudicial employees. We are also requesting \$97 million of additional funding that will, among other things:

- expedite justice for litigants, families and victims by improving case-processing efficiency and reducing backlogs in our busiest, most overburdened courts, such as the superior criminal courts in New York City and Family Courts throughout the State;

- assist indigent New Yorkers by significantly increasing funding for civil legal services organizations and Attorney for the Child providers, who are facing a staffing crisis because of chronic underfunding;
- facilitate amicable and expeditious settlements of disputes by expanding our successful alternative dispute resolution programs;
- divert more criminal defendants into treatment and substance-use programs by increasing funding for our problem-solving courts; and
- improve the administration of justice by restoring our nonjudicial personnel level to 17,000, and reclassifying employment titles so that we can attract and retain qualified personnel in key court operations roles.

Lastly, our budget includes \$1 billion in General State Charges to meet court employee and retiree fringe benefit costs.

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New York’s court system is among the largest, busiest, and most complex in the country. Our judicial and nonjudicial personnel address and dispose of millions of new case filings annually. Unfortunately, too many judges in too many of our courts have crushing inventories that make the timely disposition of cases extremely challenging. It is not uncommon in New York City’s Supreme Civil Term, for example, for judges to have hundreds of pending cases. The same is true in the New York City Family and Housing Courts. And, with respect to criminal cases, since the pandemic we have seen significantly slower case-processing times in our felony-level criminal courts, meaning that in some cases, victims are waiting too long for justice. And in others, defendants are waiting too long for suppression motions to be decided, charges to possibly be reduced or dismissed, connections to be made to treatment or other alternatives-to-incarceration

programs, or, simply, for the resolution of serious criminal allegations. In our view, this is an unacceptable status quo.

The only way to address these backlogs and ensure that cases are resolved more efficiently going forward, is to have adequate judicial and nonjudicial staffing. At the end of 2021, our nonjudicial staffing was just 14,000 employees, nearly 3,000 fewer personnel than the 17,000 the Judiciary employed in 2009. In recent years, we have started to rebuild our depleted work force. This year's budget request would finally allow us to return to a staffing level of 17,000. Among the new positions created would be:

- 75 new court attorneys, which would help reduce the time in which judges decide the hundreds of thousands of motions filed in our courts each year;
- 90 court operations positions, to bolster staffing in high-volume trial courts throughout the State, including the Family, City and District, Multi-Bench, and Supreme Courts;
- An anticipated three Court Officer Academy classes, to help ensure that, across the State, all of our court parts are open each day, and open on time; and
- 10 Support Magistrates, to serve in the New York City Family Court and help alleviate backlogs there.

And, of course, once we fill these new positions (as well as existing ones), with qualified candidates, and provide the training that our employees need to be effective in their roles, we want to retain them, which is why, in this year's budget, we are reclassifying a number of job titles, including several positions that are integral to the operation of our problem-solving courts.

Some of these new court attorney positions will support our New York City criminal case processing initiative, which we launched last year with the goal of implementing a series of targeted case-management strategies to address the most significant causes of delay in felony-level

criminal cases. We expect that these measures will reduce the amount of time that individuals spend detained pre-trial on Rikers Island, and, in turn, reduce the size of the population of those jails, which is essential to the planned efforts to close that facility.

The adequate staffing of our courts is a prerequisite for the efficient and fair administration of justice. But it is not enough, by itself, to ensure that our courts are operating smoothly and effectively. The reality is that our adversarial system does not work as intended if both parties are not represented by counsel. Unfortunately, too often, this is not the case, with too many low-income New Yorkers forced to confront legal issues affecting the most important parts of their lives — such as their ability to stay in their homes, keep their families together, and protect their finances and credit — without representation. To continue to address this longstanding problem, our FY 2026 budget requests \$150 million for civil legal services, reflecting an increase of \$45.5 million over the current fiscal year. The increased funding would provide for a much needed 3% cost-of-living adjustment for practitioners, as well as support employee retention and recruitment efforts, infrastructure and technology needs, and the expansion of legal services in critical areas. In addition, we are requesting \$211.2 million to support our Attorney for the Child Program, which includes \$109 million for our institutional providers, reflecting a 9.2% increase.

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Our FY 2026 budget will also allow us to sustain and expand innovative court programs that help address problems that are of deep concern to so many New Yorkers. We now have over 350 problem-solving courts in New York, each dedicated to addressing a particular kind of issue that often results in involvement in the criminal justice system, such as mental health and substance abuse issues (including opioid addiction), domestic violence, human trafficking, and the unique challenges veterans face transitioning to civilian life after military service. We also have

community justice centers that serve mid-town Manhattan, Red Hook, Brooklyn, and New Rochelle, with plans underway to reopen the Harlem Community Justice Center, and to establish new justice centers in Hunts Point, in the Bronx, and on Staten Island, to serve the Tompkinsville and Stapleton Heights neighborhoods. These community courts, in addition to resolving criminal, family, and housing matters, among others, connect residents who are not involved in the justice system with mental health services, housing assistance, and healthcare.

Diverting New Yorkers suffering from mental illness off the typical criminal justice system track and into treatment is one of the court system's highest priorities. Our ultimate goal is to have, throughout the state, either a mental health court or local judges trained to effectively handle cases involving individuals living with mental illness. We currently have 41 mental health courts in 26 counties, with 14 more counties at various stages of the planning and implementation process. The FY 2025 enacted budget included a Legislative add of \$8M to support our work in this critical area. With that additional funding, we are hiring 86 project directors, resource coordinators, case managers, and other support staff, which has allowed us to move forward with the expansion of these courts, with a particular focus on mental health courts. Leading these efforts is our recently appointed Statewide Mental Health Court Project Director, who joined UCS's Office for Justice Initiatives last October.

We continue to innovate in other ways as well. Our Division of Court Modernization is implementing technological upgrades to courtrooms and jury rooms across the State, making them more accessible, through the installation of assistive listening devices and acoustic treatment panels; more dynamic, through the installation of new evidence presentation and audio systems; and more adaptable, by providing the equipment to conduct hybrid court hearings, where some participants appear in person, and others virtually. In addition, this year, we are excited to pilot a

new virtual court appearance platform in 41 courtrooms around the State. Unlike Microsoft Teams, the generic virtual meeting program we currently use, this new system was specifically designed to facilitate hybrid and fully virtual court appearances.

Finally on the technology front, we continue to expand the use of e-filing, with plans this year to make e-filing mandatory in the Court of Claims, as well as for all case types in virtually all our civil Supreme Courts. We will also begin piloting e-filing for the first time in selected superior criminal courts.

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I would be remiss if I did not mention that the achievement of many of the goals I have highlighted today could be expedited with the passage of our program bills, which are drafted with input from UCS advisory commissions and committees made up of judges, practitioners, and other subject matter experts, who identify problems they see in our courts every day and, where appropriate, recommend statutory amendment to address them. I mentioned, for instance, our focus on criminal case processing in New York City. Those efforts would be complemented by a program bill proposed by our Advisory Committee on Criminal Law and Procedure that would allow judges, with the prosecution's consent, to sentence a recidivist defendant as a first-time offender or dispense with statutory restrictions on plea bargaining, when doing so is consistent with the interests of justice. In essence, this proposal would give judges greater flexibility, when the parties consent, to resolve difficult criminal cases, where current restrictions on dispositions and sentencing options sometimes prevent the court and the parties from negotiating a just result.

We also have a program bill that would replace the Criminal Procedure Law's antiquated article 182 with a modern statute that would authorize virtual criminal proceedings statewide, expand the types of proceedings permitted, and strengthen due-process protections for defendants

who appear virtually. Passage of this bill would allow our judges to make virtual proceedings a more routine part of their practice, permitting them, where appropriate, to minimize defendants' absences from work, school, and family commitments, and conduct important proceedings safely when weather or other conditions make traveling to courthouses hazardous. Both of these bills are supported by committee members who serve as prosecutors and defense counsel, and will improve the system of justice for everyone.

We have a wide variety of other proposals, in areas ranging from our Family and Surrogate's Courts to matters of civil procedure. I urge you to print our bills and review all of them carefully. In many cases, the proposals are not splashy or earthshattering. They are simply smart solutions to the sorts of problems that experienced judges and practitioners identify as needing fixing.

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Let me close by saying that, on so many important issues, I believe our interests are aligned. We share the goal of making New York's court system the best in the country — for victims of wrongdoing, for families in distress, for individuals suffering from addiction and mental illness, for those charged with crimes, for tenants and homeowners, and for the businesses who create economic opportunity in our great State. I am also hopeful that you understand that we can only make the sort of systemic changes that will improve our vast court system over the long term by ensuring, year in and year out, that our Judiciary is adequately funded and its legislative program considered.

Thank you for your attention. I will be glad to answer any questions that you may have.