

The logo for the New York City Bar, featuring the words "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK CITY BAR

COUNCIL ON JUDICIAL ADMINISTRATION WRITTEN TESTIMONY IN SUPPORT OF THE JUDICIARY'S 2025-2026 BUDGET REQUEST

The New York City Bar Association urges the Legislature to accept the FY 2026 Budget Request (“Budget”) of the Unified Court System (“UCS”), which will provide funding to continue the restoration of court and judicial program operations to acceptable levels, as discussed below.¹ The \$3 billion request is \$268.2 million (9.9%) above current year authorized expenditures. The increase includes an additional \$171.2 million (6.3%) to maintain core operations, primarily for increased personnel and professional services provider costs, and an additional \$97 million (3.6%) to improve case processing, reduce backlogs, and expand access-to-justice programs.

The Budget focuses on providing adequate funding to continue the recovery of court operations to pre-pandemic service levels. Attrition in experienced court staff impairing the timely and effective delivery of court services is of particular concern given substantial recent retirement-related attrition. Lagging pay levels in tight labor markets, as well as lack of flexibility with respect to remote work opportunities, have also challenged UCS’s ability to close gaps in non-judicial staffing levels.

About two-thirds of the Budget increase is needed to maintain operations, including the expense of judicial and non-judicial staff and outside professional and legal service providers, such as Civil Legal Services, and for technology infrastructure and services. Most of the rest of the increase is requested to fund additional judicial and non-judicial positions, increase juror *per diem* pay rates, and enhance Civil Legal Services resources for the representation of low-income New Yorkers, among other initiatives.

The Budget notes that “[t]he Judiciary’s top priority is to improve court operations to reduce unnecessary delays in case processing and for the efficient delivery of justice for all court participants.”² To that end, the Budget notes that resources will be directed to improving

¹ The FY 2026 Budget addresses spending for the fiscal year commencing April 1, 2025. See https://www.nycourts.gov/LegacyPDFS/admin/financialops/FPCM-PDFs/V2_jdbgt/FY2026_FINAL-JudiciaryBudget.pdf (All websites last accessed on Feb. 10, 2025). This testimony endeavors to use data available for the various courts and issues discussed. This includes, in some instances, data outside of the FY 2026 Budget document itself.

² Budget at iii.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

criminal case management, improving “long neglected” Family Court operations and effectiveness, addressing delays and backlogs in the NYC Civil and Housing courts, enhancing alternative dispute resolution and mediation services, supporting technology upgrades to modernize court operations, such as providing the technology needed to hold virtual court hearings that create efficiencies for the courts and parties alike, and the expansion of e-filing to more courts throughout the state.³

Enhancing resources has already made a substantial dent in case backlogs that built up over the Covid years. For example, the Budget notes that “[i]n 2023, increased staffing and overtime use in NYC Civil Court allowed the court to dispose of over 650,000 cases across the five boroughs. In 2023, dispositions outpaced new filings in NYC Civil Court by over 400,000. This allowed the court to make a substantial reduction in its backlogs.”⁴

The Budget also supports various continuing Access to Justice initiatives. It provides for a substantial \$45.5 million increase for the Judiciary’s Civil Legal Services Program for low-income persons, bringing total funding to \$150 million.⁵ Attorney for Child representation, Children’s Center and Office for Justice Initiatives programs are also supported.⁶

Expanding the use of e-filing throughout the court system should be encouraged and implementation will require additional resources.⁷ E-filing makes the handling of documents filed in court proceedings more efficient and greatly increases public access to filings, as many filed documents may be accessed simply and quickly by practitioners, court personnel, and any other person with internet access. Document handling costs are reduced.

Governor Hochul recently signed legislation permitting e-filing to be introduced in any court.⁸ In 1999, the NYSCEF⁹ e-filing system began as a pilot program in Commercial Division actions in two counties. Since then, it has expanded significantly in certain civil courts throughout the state, and has more recently been implemented in the Surrogate’s courts, Court of Claims, and Appellate Division. The effort, originally spearheaded by a small team at the Supreme Court, New York County, has evolved into the OCA Division of E-filing supported by the OCA Division of Technology. They have done great work to develop an e-filing

³ Budget at iii – vi.

⁴ Budget at iv.

⁵ Budget at 88.

⁶ Budget at vi – viii.

⁷ The City Bar’s Civil Court Committee sent a letter to Chief Administrative Judge Zayas and Administrative Judge Ally to inquire about plans to move the entirety of Civil Court of the City of New York dockets and case files onto NYSCEF stating it “would represent a significant improvement to the Civil Court’s functions and should be a priority.” New York City Bar Association, “Letter Inquiring About Moving the Civil Court’s Docket onto NYSECF” January 6, 2025, *available at* <https://www.nycbar.org/reports/letter-inquiring-about-moving-the-civil-courts-docket-onto-nyscef/?back=1>.

⁸ NY State Senate Bill 2023 – S7524 L.2014, X. 579, effective 12/13/2024.

⁹ New York State Courts Electronic Filing

application that some say has advantages over the PACER system used by the federal courts. Significant additional resources will likely be needed to expand e-filing to additional courts.

The bulk of the Budget goes to fund the Courts of Original Jurisdiction (“COJ”), including the Supreme and County Courts, Family Courts, Surrogate’s Courts, City and District Courts, and certain other courts and court functions. The requested COJ funding totals \$2.23 billion, which represents an increase of \$213 million (10.6%) above the current year adjusted appropriation.¹⁰

Included in the COJ request is \$251.1 million for the Family Courts, representing a \$33.2 million (15.2%) increase over the current year’s adjusted appropriation.¹¹ We commend the Judiciary on its goals of assisting low-income New York families in distress.

Most of the COJ budget (88%) is devoted to court personnel costs. The personal service request includes funding for 43 additional judgeships authorized in 2023 and 2024, including 23 for the Family Court, and allows for the funding of 10 additional NYC Criminal Court judgeships yet to be authorized. It also supports 10 additional magistrates for the Family Court and includes \$56.1 million (a 45% increase) for overtime costs necessary to address workload demands and backlogs.¹²

The \$253.4 million (12%) remainder of the COJ budget covers the expenses of trial court operations, support and administration. The \$47 million (22.8%) increase over the current year adjusted appropriation is primarily attributable to a proposed jury *per diem* rate increase, increased demand for technology services and online research enhancements.¹³ UCS’s continuing focus on technology enhancements to improve court operations is reflected in a \$21.2 million (23.3%) increase in the nonpersonal service request for court support services, which include technology costs associated with computer assisted legal research and higher demands and costs for technology equipment and services, among other cost items.¹⁴

Despite the overall 10.6% increase in requested funding for COJ as a whole, resource gaps remain, as shown by the examples below.

It apparently still takes about 10 months for a divorce judgment to be entered after the judgment application is first filed in the Matrimonial Division of Supreme Court, New York County. This chronic cycle of delay could be addressed by enhancing resources for help centers to assist *pro se* litigants in preparing legally compliant judgment submissions, as well as by providing more support for clerical operations needed to timely process judgments. The Manhattan Matrimonial Division also suffers from a lack of chambers resources to handle its

¹⁰ Budget at 4.

¹¹ Budget at 14.

¹² Budget at 4-5.

¹³ Budget at 5.

¹⁴ Budget at 40.

heavy volume of motions requiring disposition. Case processing delays could be mitigated by funding a third law clerk for matrimonial justices, as is done in the Commercial Division, or considering other ways to increase judicial capacity. The Budget requests an overall 6.3% increase to \$562.4 million for the Supreme and County courts statewide but does not break out information for units such as the Manhattan Matrimonial Division.¹⁵

In some counties in New York City, there is still a lack of judges in the Criminal Courts and Supreme Court, Criminal Term parts, as well as a lack of non-judicial staffing, leading to a backlog of trials and impacting defendant's rights to a speedy trial. There are not enough court officers, translators or court reporters for the courts to run efficiently. Per diem court reporters are being utilized in some counties, but still not filling the need gap. In at least one county, there is insufficient court staff in the Grand Juries (e.g. supervising wardens). Senior non-judicial court staff have retired and in some instances the more senior positions have not been filled by trained staff. All of these shortages lead to delays and impact access to justice.

Moreover the "problem solving courts" (e.g. mental health court, alternative to incarceration court, drug court and veterans' treatment court) require additional non judicial staff and contractual services staff (such as social workers) to address the problems of those coming through the problem solving courts. These diversionary programs, a cost saving measure (because incarceration, particularly in state prison, is very expensive), are necessary to move forward with the state's plan to address the source of crime as a way to lower crime. These courts currently service only part of the eligible population needing services. The Youth Parts are also in need of additional non-judicial staff. More judges and judicial training are needed for all of these parts. The Budget may allow these problem solving courts to continue current operations, but more resources should be allocated in the future to enhance services and diversionary programs for more people in need.

NYC Housing Court operations must be substantially improved to provide a satisfactory level of service to parties involved in eviction proceedings. Housing Court received a substantial increase in funding and five new judges last year, but the Budget proposes only a \$1.8 million (4.8%) increase to \$39.2 million over the current year adjusted appropriation.¹⁶ Although the Housing Court disposed of 90,000 more cases than were filed during 2023,¹⁷ this does not level the playing field in Housing Court. Housing Court continues to handle a vast number of cases, brought against predominantly unrepresented women and families of color who are at great risk of homelessness. As this court continues to recover from a backlog of cases brought on by the pandemic, it needs additional court attorneys and clerical staff to adapt to NYSCEF e-filing and the commensurate increase in judicial resources associated with the much-needed expansion of the right to counsel law. To better implement technology and achieve the Judiciary's goal of assisting low-income families in distress, the Judiciary should consider requesting a funding increase comparable to that requested for Family Court.

¹⁵ Budget at 11-13.

¹⁶ Budget at 23.

¹⁷ Budget at 10.

The Housing Court budget allocation includes funding and a 3% cost of living increase for Housing Court Answers (HCA), a not-for-profit organization that provides information and support for self-represented tenants and landlords. As a high percentage of cases proceed without tenant representation despite the right to counsel law, HCA is a necessary part of the Housing Court process. The population served by NYC Housing Court are predominantly black and brown people who face the imminent loss of their homes by eviction. The budget should reflect the need to dignify the process and chip away at the “cattle call” culture, as well as to address issues of fairness and equal treatment for this state’s diverse citizens as recommended by the Special Adviser’s Report.¹⁸

The Budget contains a “2023 Statewide Workload by Court Type” table (“Table”) showing annual filings versus dispositions for each of the Courts of Original Jurisdiction.¹⁹ The data provides a sense of which courts appear to be keeping up with their case filings, and which seem to be falling behind.

The Table shows that most courts were keeping their dockets reasonably current or shrinking their backlogs. A particular standout is the NYC Civil Court, which reports 650,305 dispositions against 242,127 case filings during 2023. The NYC Housing Court also appears to have been making progress, reporting 238,494 dispositions against 149,064 case filings in that period. In contrast, the Surrogate’s Courts showed apparent backlog growth, with 116,809 dispositions against 150,423 filings.

The Budget seeks modest funding increases for the appellate courts relative to the 10.6% increase sought for the lower courts. This may be sufficient given that the workload summaries for the Court of Appeals, Appellate Divisions and Appellate Terms generally shows that most of the appellate courts are keeping up with their dockets and that the Second Department apparently made substantial progress in reducing its backlog during 2023.²⁰ The Budget seeks a 3.3% increase to \$18.1 million for the Court of Appeals and a 6.8% increase to \$109.3 million for the Appellate Divisions and Appellate Terms.²¹

This year’s Budget focuses primarily on near-term operational funding with some enhancements. It would be appropriate for future budget presentations to address certain longer-term issues facing the judiciary. These may include the need to modernize the court workforce, the changing dynamics of “trial parts” (many of which do not conduct many trials), the growing role of ADR programs and the need for credible neutrals, and an acknowledgement that court funding will need to address the potentially growing role of AI in the delivery of legal services and the judicial process.

¹⁸ “Report from the Special Advisor on Equal Justice in the New York State Courts” October 1, 2020, *available at* <https://www.nycourts.gov/whatsnew/pdf/SpecialAdvisorEqualJusticeReport.pdf>.

¹⁹ Budget at 10.

²⁰ Budget at 57, 61.

²¹ Budget at 55, 58.

The City Bar supports the Budget’s attempt to provide for adequate funding to maintain and improve court operations. We urge the Legislature to adopt the Budget to ensure that the court system can deliver the level of fair and speedy justice that New Yorkers expect.

Council on Judicial Administration
Fran Hoffinger, Chair²²

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