



NEW YORK
CITY BAR

COUNCIL ON JUDICIAL ADMINISTRATION

JAY G. SAFER

CHAIR

3 WORLD FINANCIAL CENTER
20TH FLOOR
NEW YORK, NY 10281-2101
Phone: (212) 812-8305
Fax: (212) 812-8365
jsafer@lockelord.com

DAVID I. WAX

SECRETARY

3 WORLD FINANCIAL CENTER
20TH FLOOR
NEW YORK, NY 10281-2101
Phone: (212) 812-8326
Fax: (212) 812-8365
dwax@lockelord.com

By Facsimile and Regular Mail

March 11, 2010

Hon. David A. Paterson
New York State Governor
Executive Chamber
State Capitol
Albany, NY 12224

Hon. Sheldon Silver
Speaker
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Hon. John L. Sampson
Democratic Conference Leader
New York State Senate
Legislative Office Building 409
Albany, NY 12247

Re: Letter in Support of Proposed 2010-11 Judiciary Budget

Dear Governor Paterson, Speaker Silver and Senator Sampson:

This letter addresses issues critical to the legal profession. More than the other branches of government, the courts are the bulwark of liberty. Preservation of New York's Unified Court System, recognized as one of the largest and busiest court systems in the world, is therefore most essential. Yet as New York faces the slow economy's constraints and challenges, we must ensure that, now more than ever, our courts fulfill their esteemed role.

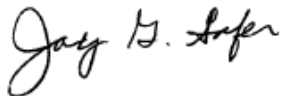
Last year, the Judiciary submitted a zero-growth budget, implemented stringent spending controls, and reduced the court system's non-judicial workforce by over 200 positions. Nevertheless, the courts' annual caseload is at an all-time high, exceeding 4.7 million newly filed cases for the first time. The economic downturn will continue to flood the courts with increased caseloads. The modest increased costs for next year are mandatory pension contributions, employee health insurance, and other fringe benefits; non-judicial salary increases required by collective bargaining agreements; and legislatively mandated costs due to caseload standards for criminal defense attorneys in New York City and for attorneys representing children.

Without the funding requested, the Judiciary will be forced to reduce its workforce further through layoffs and close courtrooms, when the courts' workload is expanding, undoubtedly jeopardizing the administration of justice. Because the speedy, effective, and adequate administration of justice is a fundamental responsibility of government, on which the vitality of democracy depends, and because the courts cannot control the soaring number of new cases filed, the proposed budget is the barest minimum necessary and must be supported as submitted.

More persons in New York now face more economic distress than in any period since the Great Depression. The financial collapse has hit hardest on New Yorkers already battling illness or injury, unemployment, bankruptcy, foreclosure, or eviction. Since the law's impact is omnipresent, particularly on housing, jobs, health care, and government benefits, this time of dire need is when these New Yorkers are most likely to call on the courts and when their entitlement to a response is most compelling. Although the judicial system is a neutral arbiter that ideally levels the playing field, it still impacts harder on persons without legal help, whose homes, livelihoods, and families are at stake, and for whom a transaction as seemingly simple as a rent agreement may be treacherous.

The courts' working conditions are increasingly difficult and resources increasingly insufficient as the troubled economy places the judiciary's services in higher demand. To meet the formidable challenges presented by New Yorkers who look to the courts for relief, their effectiveness must be redoubled and reach expanded to address the issues posed by our diverse community in economic, medical, or domestic crises. Only by so doing, do we fulfill the judiciary's public mission to see justice served for everyone, particularly in these most difficult times.

Respectfully,



Jay G. Safer

Cc: Hon. Jonathan Lippman
Chief Judge of the State of New York

Robert L. Megna
Budget Director
New York State Division of the Budget

Hon. Carl Kruger
New York State Senate Finance Committee Chair

Hon. John DeFrancisco
New York State Senate Finance Committee Ranking Member

Hon. Herman Farrell, Jr.
New York State Assembly Ways & Means Committee Chair

Hon. Jim Hayes
New York State Assembly Ways & Means Committee Ranking Member