



NEW YORK  
CITY BAR

Contact: Maria Cilenti - Director of Legislative Affairs - [mcilenti@nycbar.org](mailto:mcilenti@nycbar.org) - (212) 382-6655

**REPORT IN SUPPORT OF THE  
JUDICIARY'S 2012-2013 BUDGET REQUEST**

The New York City Bar Association (“City Bar”)<sup>1</sup> urges the Legislature to adopt the Judiciary’s 2012-2013 Budget Request (the “Judiciary Budget”) in its entirety. The Judiciary Budget is a reasonable, practical document, responsive to the state’s current fiscal pressures, which addresses the need to provide meaningful access to the courts and to ameliorate some of the harmful effects of last year’s budget cuts.

Last year, the Judiciary was subjected to a \$170 million budget cut: 1,300 employees were lost to the court system, 8% of its workforce. As a result of the workforce reduction, the Office of Court Administration (“OCA”) was forced to close New York City Civil Court buildings at 3:45 PM, and to require all courtrooms throughout the state to cease all activities at 4:30 P.M., including trials, settlement conferences, meetings with attorneys and community events. These early closings have resulted in severe hardships for litigants and lawyers, and extensive delays in proceedings.

Cutbacks in Surrogate’s Courts have caused delays of a month or longer for family members in uncontested matters to receive fiduciary letters enabling them to administer their loved ones’ estates, preventing family members from selling estate assets to raise cash for impending needs such as rent and mortgage payments.

In criminal matters, arraignment part hours have been reduced, resulting in arrest to arraignment times in excess of 24 hours on occasion, in violation of the law. Trials have been delayed and have been taking an average of two days longer than before the cuts. In addition, as a result of staff cutbacks, there has been a shortage of interpreters, and extensive delays of between 6 weeks and 3 months have developed in obtaining archived files from Civil Court.

Importantly, the Judiciary Budget would permit the courts to ameliorate some of the measures that have had the most immediate and direct impact on court users. For example, the budget will permit some relaxation of the early closing times at courthouses that were implemented this year, and ease limits on weekend arraignments, small claims court evening hours, and the reduced call of jurors.

The Judiciary Budget appropriation request for 2012-2013 is \$2.30 billion, which comes in at 0.17% below this year’s spending plan, while absorbing \$70 million in new expenses, primarily for required salary increases and the expansion of civil legal services for the poor. Staff would continue

---

<sup>1</sup> This report was authored by the City Bar’s Council on Judicial Administration.

to decline through attrition. OCA estimates that approximately 200 employees would leave the court system and not be replaced.

Importantly, the budget provides \$25 million for Civil Legal Services funding, an increase over the \$12.5 million provided in the last fiscal year. As explained in the OCA Report of the Task Force to Expand Access to Civil Legal Services in New York, issued in November 2011:

There is a growing crisis in the New York State Courts because 2.3 million New Yorkers must navigate our State's complex civil justice system without an attorney. Beyond harming vulnerable low-income families and individuals, this crisis of the unrepresented burdens our courts and represented parties...At best, no more than 20 percent of the legal needs of low-income families and individuals are met.

Providing money for indigent defendants in eviction, foreclosure, domestic violence, consumer debt and similar cases is essential to help ensure that the Judiciary meets its constitutional mission to provide equal justice for all. This funding will help ease a profound human and social toll on the most vulnerable New Yorkers and ameliorate significant burdens on judges and represented parties in cases where litigants have been *pro se*.

Included in the budget is a raise in the salaries for judges adopted by the Commission on Judicial Compensation, the first increase in 13 years, at a cost of \$27.7 million. This increase is necessary, and long overdue, as the freeze on judicial salaries has caused excellent and experienced judges to leave the bench and talented lawyers to forgo a judicial career for the far more remunerative private sector. Also included is \$21.3 million in funding for contractually required increments for eligible represented employees.

In sum, the budget as proposed should be enacted *en toto*. It is fiscally prudent, ameliorates the harshest consequences of last year's budget cuts, and helps address vital unmet legal needs of the state's most vulnerable individuals.

January 2012