



NEW YORK
CITY BAR

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

**REPORT IN SUPPORT OF THE
JUDICIARY'S 2013-2014 BUDGET REQUEST**

The New York City Bar Association (City Bar")¹ recommends that the Legislature adopt the Judiciary's 2013-2014 Budget Request (the "Judiciary Budget") *en toto*. Adequate funding of the court system is essential if the Judiciary is to meet its constitutional obligations as an independent branch of government and provide vitally needed access to justice for those who can least afford it. The City Bar applauds Governor Cuomo for supporting the Judiciary Budget in its entirety and urges the Legislature to adopt the Budget without any further cutbacks.

As explained by Chief Administrative Judge A. Gail Prudenti, the Judiciary Budget "reflects a careful balancing of the Judiciary's obligations to work with other Branches in addressing the State's continuing fiscal crisis, particularly in light of the impact of Super- Storm Sandy, while also ensuring that the courts can meet their constitutional duty to provide fair and timely justice for every New Yorker." The Budget provides the minimum funds the Judiciary needs; any further reduction would seriously jeopardize the ability of the courts to fulfill their core missions. This "do more with less budget"² request of nearly \$2 billion increases the total Judiciary Budget by 3.9 percent, but decreases the state funded operational budget by \$212,013 or .12 percent. As Governor Cuomo says, the preparation of the Judiciary Budget was "well done."³ The Budget includes cost efficiencies including expanded e-filing, continued constraints on hiring and overtime, increased use of online materials and consolidation of administrative functions.

Commendably, the Judiciary Budget increases funding for Civil Legal Services by \$15 million for litigants who appear without lawyers in eviction, foreclosure, domestic violence, consumer debt and other cases involving the essentials of life. This increase will provide vitally needed services to the victims of Super-Storm Sandy and the millions of other New Yorkers who cannot afford legal services to address their basic human needs. The Judiciary Budget also provides \$10.9 million in additional support for legislatively mandated indigent criminal defense caseload caps. The court's continuing commitment to providing vitally needed services to those New Yorkers who cannot afford private attorneys is exemplary. The Judiciary Budget also includes necessary cost

¹ This report was authored by the City Bar's Council on Judicial Administration.

² As described by the New York Law Journal, "Court System Submits No-Growth Budget," 12/3/12, p. 1. Available at <http://www.newyorklawjournal.com/PubArticleNY.jsp?id=120257988808&slreturn=20130104095723>. (Last visited February 4, 2013).

³ New York Law Journal, "Cuomo Says Judiciary Budget was 'Well Done'," 1/22/13, p. 1. Available at <http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202585323856>. (Last visited February 4, 2013).

increases including the second phase of the judiciary salary increase and contractually-required increments for eligible non-judicial employees.

The Judiciary has cut its Budget request to the bone. As explained in the Executive Summary submitted with the Judiciary Budget, the New York State Courts continue to face an overwhelming workload. Moreover, due to measures including an early retirement incentive program, targeted layoffs, and a hiring freeze, the non-judicial workforce of the court system has been reduced by more than 1,500 positions, a reduction of almost ten percent. Due to previous budget cuts, civil courthouses continue to close their doors at 3:45 PM, and courtrooms in all courthouses shut down at 4:30 PM. These early closings cause hardships for both *pro se* litigants and represented individuals and are particularly worrisome in criminal cases in which defendants are incarcerated. In addition, there are long wait times outside the courthouses at peak times, as a shortage of court officers has reduced staffing at courthouse entrances. The courts also are adversely affected by a shortage of clerks in Supreme Court, delays in getting files from storage in Civil Court, and a reduction in Judicial Hearing Officers. This year's proposed Budget includes further hard choices, including reduced funding to a program that provides volunteer advocates for more than 1,500 foster children in New York City and for many other children in other counties in New York State.⁴

We understand the need for these difficult decisions, and support the Judiciary Budget as fiscally prudent while preserving basic access to the courts and helping to address vital unmet legal needs of New York's most vulnerable individuals. Accordingly, the City Bar urges the Legislature to enact the proposed Judiciary Budget as is, without any further cutbacks. Avoiding any reduction in the Budget is crucial. As is evident from the concerns raised in the preceding paragraph, New York State's already strained court system cannot continue to be expected "to do even more with even less."

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⁴New York Law Journal, "Advocates for Children Fear Dire Effects of Budget Cuts," 1/30/13, p. 1. Available at <http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202586191178>. (Last visited February 4, 2013).