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**REPORT IN SUPPORT OF THE
JUDICIARY'S 2020-2021 BUDGET REQUEST
BY THE COUNCIL ON JUDICIAL ADMINISTRATION**

The New York City Bar Association urges the Legislature to accept the Judiciary's 2020-2021 Budget Request in its entirety.¹

This year's proposed operating budget of \$2.36 billion is an increase of \$45.9 million, or 2%, over available current-year funding. This funding level represents a disciplined increase over the prior year's funding, and is necessary to support the state's Unified Court System (UCS), employing 1,300 state-paid judges and 15,000 non-judicial staff handling over 3,000,000 filings annually in over 300 locations around the state. It will provide for the basic needs of the court system, which was subject to spending constraints for several years following the 2008 financial crisis. After reducing staffing by 2,000 positions, the Judiciary's budget has increased in recent years, and staffing levels have improved modestly.

The proposed budget will allow for continuing implementation of the Excellence Initiative announced by Chief Judge Janet DiFiore in 2016. The initiative seeks to speed case management, eliminate backlogs and delays, increase judicial productivity, and improve the quality of judicial services provided to lawyers and litigants. So far, it has cut backlogs in half across the state.²

Despite the modest improvement in judicial staffing levels, there is still a dire need for additional non-judicial staff, particularly in the lower courts. There is also a lack of sufficient court staff, court reporters, and interpreters, especially in Criminal, Family and Civil Courts, which leads to delay. For example, in the Civil Courts, there are year-long adjournments of pre-trial conferences and extensive delays in obtaining files from archives and the clerks' offices. Litigants and attorneys wait hours for one interpreter to provide interpretation services for multiple court rooms. There are so few clerks in some of the Civil Court clerks' offices that a litigant or attorney cannot obtain a court file because there are insufficient clerks to retrieve files. Filed court papers are stacked up in piles because there are not enough filing clerks. Many times, these court papers are lost and the litigants are expected to provide copies of filed court documents so that the court file can be re-created. In the Queens County Civil Court, there is such a shortage on storage space that closed cases from 2019 are being stored openly in the court's parking lot.

¹ This report was principally drafted by Mitchell Berns, Fran Hoffinger and Shanna Tallarico, members of the Council on Judicial Administration.

² Judiciary 2020-2021 Budget Request, Introduction, page i.

These areas still need to be addressed. The courts cannot function efficiently when attorneys and litigants do not have timely access to complete court files, cannot obtain timely adjournment dates, and litigants are denied interpretation services in a reasonable amount of time.

Notably, the Chief Judge has recognized that providing a combination of judicial resources and management necessary to deliver timely and effective adjudication is key to promoting efficiency in the courts. Process delays have substantial, mostly unmeasured, adverse impacts on the individuals, litigants and lawyers who use or work in our courts. Just as crowded toll plazas used to produce cascading delays for motorists, bottlenecks in adjudication can result in a multiplication of hardships for litigants, and wasted time and expense for parties and counsel. Providing adequate funding to support a robust judiciary, together with other initiatives identified by the Chief Judge, such as establishing a presumptive early alternative dispute resolution program, are necessary to achieve the Chief Judge's efficiency and timeliness goals.

The proposed budget brings us closer to a properly-funded judiciary and should be adopted. It will support several UCS initiatives, including, among others, maintaining support for civil legal services serving low-income New Yorkers; continuing the development of specialized courts handling opioid, mental health, drug abuse, human trafficking and veterans' issues; and breaking down language barriers through the provision of robust interpretative and translation services. The budget will also need to accommodate additional judicial resource demands resulting from recently-enacted criminal justice reforms effective in January 2020. These include bail reform, which will require more intensive arraignment procedures, criminal discovery reform, which will increase the volume of discovery orders in criminal matters, and speedy trial reform, which will require enhanced speedy trial compliance procedures.

The budget also supports continued implementation and enhancements to UCS's technology and electronic filing initiatives. Keeping up with technology is crucial to efficiently managing the huge docket of matters handled annually by our courts. E-filing, which provides the courts and all participants with instant access to all documents filed in a case, has greatly increased the ability of courts and litigants to manage cases efficiently, and has enhanced public access to court filings. As the budget request notes, "the convenience and cost savings" resulting from electronic filing are "incalculable."³

The budget request will provide full funding for judicial raises in accordance with the mandate of the Commission on Judicial and Legislative Salaries. For the Supreme Courts and County Courts, a decrease of \$0.7 million (-0.1%) is requested, including funds for three new Supreme Court judgeships. More judgeships should be added to address the needs of each court.

The proposed budget includes a 0.6% reduction from last year's level for Family Court, a 1.6% increase for Surrogates Courts, a 1.3% increase for City and District Courts, and a 0.1% increase for New York City Housing Court, which may be subject to enhanced demands on its resources due to changes in the rent regulation laws enacted in June 2019.

³ Judiciary 2020-2021 Budget Request, Introduction, page ix.

The \$25 million capital budget (2.6% decrease from last year) will primarily fund technology upgrades, with about 20% devoted to courthouse security enhancements, records management and equipment acquisition associated with facilities upgrades.

This year's budget request is a continuing step on the path to judicial excellence, and adheres to the Governor's 2% cap. We urge the Legislature to adopt it.

Council on Judicial Administration
Michael P. Regan, Chair

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