



The Association of the Bar of the City of New York

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The Council On Judicial Administration Supports The Judiciary's 2003-04 Budget Request

The Council on Judicial Administration of the Association of the Bar of the City of New York, having completed its review of the Judiciary's proposed 2003-04 budget, strongly urges the Legislature to adopt the Judiciary's funding request in its entirety.

The budget request for the Judiciary General Fund Court and Agency Operations for the 2003-04 fiscal year totals approximately \$1.35 billion, which represents 1.9% increase over the current year's appropriation of approximately \$1.33 billion and thus approximates the rate of inflation. The increase will support a cash disbursement spending plan for court and agency operations that exceeds the current year amount by approximately 1.9 percent, which is less than the increases sought in the Judiciary's budget proposals approved by the Legislature in recent years. When fringe benefits and special revenue funds (a wide category of items that all three branches segregate from their base budget proposals, such as federal aid and funds not directly related to state taxes) are included in the overall funds total, the budget increase for appropriations would be approximately 3.7%. For comparative purposes, however, the operative numbers are those related to the general fund budget: \$1.35 billion and 1.9%. Thus, while the Judiciary Budget does request an increase of approximately \$25.6 in appropriations for the Judiciary General Fund Court and Agency Operations, that is less than the \$27 million in mandated employee salary and other increases, making this budget, in essence, a zero-growth budget.

Fully recognizing the fiscal straits in which New York State finds itself, the Judiciary has taken steps to reduce spending and to operate more efficiently by commencing in

January 2002 a strict vacancy control program that, through natural attrition and the limitation on new hires, as well as an early incentive retirement program, has significantly reduced the level of non-judicial employment. Additional administrative cost-savings measures to curtail equipment, travel and other operating costs have contributed to the Judiciary's belt-tightening measures and will continue to be implemented during the new budget year.

In light of the State's overall budgetary difficulties, the 2003-04 Judiciary budget does not request an increase in the number of non-judicial staff, although the need for additional staffing is readily demonstrated. The budget request includes virtually no new programs, but, nevertheless, outlines a number of priority initiatives which reflect the Judiciary's commitment to ensuring justice through creative problem-solving approaches, while emphasizing court safety and security in the aftermath of September 11, 2001. The budget speaks to developing comprehensive emergency preparedness and recovery plans with the goal of responding effectively to any future disaster and of resuming court operations as quickly as possible.

As in the past, the funding required to continue current court operations accounts for the vast majority of the Judiciary's budget needs. This base budget includes funding for all authorized judicial and non-judicial positions, security requirements, jury per diem payments, legal reference materials, furnishings, equipment replacement programs, and other items necessary for the daily operations of the courts and court-related agencies in the New York State Unified Court System.

The Judiciary's financial needs are explained in detail in its approximately 350-page budget request. This detailed budget submission presents a compelling picture of the challenges faced by the Unified Court System as it seeks to fulfill its essential mission of meeting the justice needs of all New Yorkers, promoting the rule of law and providing just and

timely resolution of matters before the courts. The sheer volume of cases filed each year makes it ever more difficult for the courts to function more as effective adjudicatory and problem-solving courts, rather than as mere case processors. New York State court caseloads, already at record levels, have not abated. In 2001, for example, there were more than 3.4 million new cases filed in the trial courts of the Unified Court System, excluding traffic and parking cases. This crushing case load represents an increase of over 700,000 filings, or 26.3%, as compared to 1993.

Notwithstanding the fiscal restraint prudent in light of the State's economic forecast, the 2003-04 budget request nevertheless once again outlines a series of priority initiatives which commendably reflect the Judiciary's commitment – even in the face of severe funding limits – to continued improvement in the delivery of justice for all New Yorkers. As noted above, the budget request places particular emphasis on security enhancements to ensure that the judicial system will be able to meet its constitutional obligations.

The Council commends the strong and able leadership of Chief Judge Judith S. Kaye, Chief Administrative Judge Jonathan Lippman and their colleagues within the Office of Court Administration. The proposed budget they have carefully developed, while fiscally realistic, still affirms their commitment to making the courts in this State more responsive to the needs of the communities they serve.

The remainder of this report is a brief review of some of the more important priority initiatives for the court system contained in the Judiciary's budget request. Although virtually none of these projects are new, their continued implementation promises substantial benefits to the people of this State.

Problem-solving courts. Under the leadership of Chief Judge Judith Kaye, the Unified Court System has demonstrated its commitment to developing creative solutions for resolving disputes and to addressing significant social problems in a more comprehensive fashion. The Integrated Domestic Violence Courts, for example, allow all related family, criminal and matrimonial matters to be heard in a single court by a single Judge. Similar successful initiatives that need continued funding include the Criminal Drug Treatment Courts, offering drug treatment programs as an alternative to jail, Family Treatment Courts, handling neglect cases where substance abuse is the underlying problem, and Community Courts, which address the needs of communities affected by crime on the local level.

Access to Justice. The Unified Court System has developed a statewide strategy to improve access to justice. The Judiciary budget request provides funding for the continuation of these important initiatives, from enlarging jury pools to providing assistance to self-represented litigants. In order to provide equal treatment to all regardless of economic status, the Unified Court System now provides for satellite courts and night courts to meet the needs of working families, and mediation and expanded alternative dispute resolution programs. The court system also provides community education and outreach and has created an Access to Justice Center which serves not only as a clearinghouse for civil legal services issues, but also provides a forum for promoting ideas to improve services, identify permanent funding sources and provide programs addressing meaningful access to justice for all civil litigants.

A major challenge to the Judiciary's ability to function is the extremely low rates paid to assigned counsel who provide legal representation to the poor in criminal cases and in Family Court proceedings. New York's current hourly rates to court-appointed attorneys, not raised by the Legislature since 1986, are among the lowest in the nation. The decision of Justice

Lucindo Suarez on February 5, 2003, in *New York County Lawyers' Association v. The State of New York*, Docket No. 102987/00 (Sup. Ct., N.Y. Co.), mandating a significant increase in rates, underscores the need for prompt legislative action on this issue. Our Association and our Council would welcome an opportunity to assist in any way that they can in developing an appropriate solution for meeting the State's constitutional obligation to set fees at a level needed to provide effective representation for the poor.

Civil Justice. The Judiciary budget provides for continued funding for the Comprehensive Civil Justice Plan, which moves civil cases through the system more efficiently through more active court management of cases. This initiative has been successful in reducing the number of pending trial-ready cases to the lowest level in many years. The program features technological innovations such as electronic filing of court papers from pilot locations. Separately, the creation of specialized parts for specific case types has been successful in improving the quality and timeliness of case resolutions. Specific parts include matrimonial and motor vehicle parts, as well as a City part for cases in which New York City is a defendant.

Court Technology. Technology funding is essential to the central role that technology and automated case management play in managing high-volume case loads and improving public access to court information. The court system's well-organized and user-friendly internet site (www.courts.state.ny.us) provides extensive, detailed case information and other helpful, judiciary-related information free of charge. The Unified Court System also is expanding the availability of courtroom technology enhancements involving real-time transcription, courtroom access to computerized case information and technology to provide animated evidentiary presentations. The State-wide intranet (CourtNet) provides the technology and applications that support automated case management capability and internal

communications through e-mail and video-conferencing. The budget request also reflects the ongoing funding of the court system's multi-year projects to upgrade its centralized computer operations and seeks new Certificate of Participation (COPS) funding authorization to finance equipment replacement and upgrades of the court system's technical equipment, including CourtNet, the continued development of the court system's Universal Case Management System and the replacement of the antiquated and inoperable NYC court telephone system with modern equipment and systems.

Diversity Programs. The budget request includes funding for ongoing diversity initiatives, including year-long fellowships to law school graduates interested in pursuing careers in court system public service. The court system also plans to create a Legal Education Opportunity Program with the goal of enhancing the diversity of the members of the New York State Bar.

Town and Village Courts. The Unified Court System will disburse, in the current fiscal year, \$500,000 in grants to local courts across the state, capped at \$20,000 for any one court or association, to be used for local judicial training programs, court automation to increase the efficiency of Town and Village Court operations, purchase of legal reference material and improvement of court facilities. The proposed budget request for the Judiciary continues funding for this program of grant assistance for local courts at the current year level.

Criminal Disposition Reconciliation Project. The Criminal History Intensive Reconciliation Project is a comprehensive undertaking of the Unified Court System in conjunction with the Division of Criminal Justice Services to reconcile more than 1 million open arrests resulting largely from unmatched criminal cases and dispositions. The budget requests provides for continued funding of this initiative that has made significant progress in reducing

the number of open arrests since the joint project began by matching reportable criminal activities on record with arrest information compiled from around the State.

CONCLUSION

The Judiciary's 2003-04 budget request sets forth a fiscally responsible plan for the year ahead without sacrificing court safety or the court system's overall mission of providing access to justice for all New Yorkers. Recognizing the projected budget deficits for New York State, the Judiciary's Budget essentially is a zero-growth budget when considering the approximately \$27 million in mandated salary and other increases that the court system must meet. The Council fully supports the Judiciary Budget. We unanimously recommend that the Legislature approve the budget as submitted; it is fiscally necessary and strategically important for the continued vitality of the State's Judiciary.

Dated: February 11, 2003

Council on Judicial Administration

Daniel R. Murdock, *Chair*
Jennifer C. Yang, *Secretary*

