

REPORT IN SUPPORT OF THE JUDICIARY'S 2018-2019 BUDGET REQUEST

The New York City Bar Association¹ urges the Legislature to accept the Judiciary's 2018-2019 Budget Request in its entirety.

This year's proposed budget of \$2.23 billion represents an increase of \$44.4 million or 2.0% over available current-year funds. These funds are critical to the Chief Judge's announced Excellence Initiative, "a comprehensive and critical evaluation of court operations and administration at every level, toward the goal of 'operational and decisional excellence in everything we do.'"² This incremental increase in the budget seeks to provide the courts with the additional resources they need to improve core operations, including adequate court staffing, particularly among clerks, court officers, interpreters, court reporters and other courtroom and back office personnel.

As we have reported in past years, fiscal restraints on the Judiciary beginning in 2011-12, resulted in a loss of 2,000 staff positions in the court system. Though still inadequate to return the court system to its prior staffing levels, this year's budget proposal will provide funds needed to continue the effort to restore many of those critical positions and provide the technology to make the court system more efficient. It will also begin to restore support for a number of programs that had been cut in previous years, such as the Community Dispute Resolution Centers that provide free and low-cost mediation and ADR services, the Court Appointed Special Advocate Program that provides trained advocates for child welfare cases, the Justice Court Assistance Program that will help defray costs associated with off-hours arraignment legislation, and the Attorney for the Child program that provides necessary additional legal representation in Family Court resulting from the Raise the Age legislation.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, an increase of \$16.1 million (3.7%) is requested, including funds for six

¹ This report was authored by the New York City Bar's Council on Judicial Administration. The Council is chaired by the Honorable Carolyn E. Demarest. The report was prepared by the Council's Judiciary Budget Subcommittee, Raymond L. Vandenberg, Chair.

² Judiciary Budget, FY 2018-19, Executive Summary, page i, *available at* <https://www.nycourts.gov/admin/financialops/BGT18-19/2018-19-UCS-Budget.PDF>.

³ Last year, the minimum age for criminal responsibility for non-violent crimes was raised to 18 years. Sixteen and 17-year-olds formerly prosecuted in the criminal courts will now be referred to Family Court.

additional Commercial Division law clerks for New York County. Increased funds for personnel include an additional 5% for Family Court, 5.2% for New York City and District Courts, 3.6% for Surrogates Courts and 0.8% for Housing Court (including funds for an additional part-time court attorney). A substantial increase of 12.8% is requested for public safety personnel.

The Capital Budget of \$18 million will be used to continue the modernization of various systems and equipment that are essential to support efficient operations. Twelve million will fund the second year of a multi-year plan to upgrade the computer system. Three million will fund improved security equipment and \$2 million will support the continued digitization of paper records and improved searchability of those records. All of this is critical to the Excellence Initiative.

The Judiciary Budget Request also includes \$100 million (the same as last year) for civil legal services to help ensure equal access to justice for low income New Yorkers facing housing, consumer debt and other legal problems pertaining to the essentials of life. Adequately funded legal services helps domestic violence victims, senior citizens, and the formerly incarcerated seeking reentry into society as well as other vulnerable individuals and families. For every dollar invested in civil legal services, the State of New York receives more than ten dollars in economic benefits as a result of reduced social services and other public expenditures, as well as an inflow of federal benefits.⁴ Providing counsel to those in need also contributes to the overall efficiency of court proceedings and helps to secure a more just result.

This year's budget request is incremental and undramatic. It is designed to keep New York State on track to meet the goals of the Chief Judge's Excellence Initiative while hewing to the Governor's 2% ceiling. We urge the Legislature to adopt it without change.

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⁴ Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York, Nov. 2017, at 8, available at <https://www.nycourts.gov/accesstojusticecommission/PDF/2017-ATJ-Commission-Report.pdf>.