

JOINT LEGISLATIVE HEARING ON THE 2019-20 JUDICIARY BUDGET

REMARKS OF CHIEF ADMINISTRATIVE JUDGE LAWRENCE K. MARKS

JANUARY 29, 2019

Good morning Chairpersons Krueger, Weinstein, Hoylman and Dinowitz, and good morning to the other committee members here today. I'm Lawrence Marks, Chief Administrative Judge of the Unified Court System. And I'm pleased to be here this morning to discuss the Judiciary's budget request for the 2019-2020 State Fiscal Year.

Our request is modest and straightforward. It calls for an increase in Judiciary funding of just under \$45 million, or two percent over the spending level in our current operating budget. This is fully consistent with the Governor's benchmark for State agencies. Our budget request also seeks \$24 million in capital appropriations, to address certain infrastructure technology, security equipment and records management needs. This is up from \$18 million this year, and it is not part of our two percent requested increase in our operating budget.

As has been the case for the past two years, our budget request is designed to support Chief Judge Janet DiFiore's Excellence Initiative. This initiative, begun in 2016, when Judge DiFiore first took office, is a matter of the highest priority for the state courts. It is a comprehensive, statewide effort to improve court system operations and to ensure that all who use our courts receive the highest level of service and assistance.

Last year, in her State of our Judiciary message, the Chief Judge detailed the many successes since the Excellence Initiative was inaugurated. In the year since that address, we have seen further success – reducing case backlogs and expediting disposition of the many cases

filed in our courts. In her 2019 State of our Judiciary message, to be delivered in a few weeks, the Chief Judge will again provide a detailed accounting of our progress.

Despite this progress, work on the Excellence Initiative is far from done. Our court system is large and its challenges are complex. Every day, it serves 19 million people in 62 counties, over 60 cities, well over a thousand towns and villages, and hundreds of courthouses across a physically large state. We are presented each year with millions of cases, ranging from small claims involving minor damages to major corporate litigation with many millions of dollars at stake. We must adjudicate minor traffic offenses and the most serious felonies. We must protect the welfare of the most vulnerable among us in Family Court. And we must do all this in communities of dramatically varying size and legal culture.

We cannot meet these challenges without adequate resources. In all the State-funded courts, we need enough judges to preside over the cases that are filed; and enough court clerks, court officers and other nonjudicial court personnel to support the work of the judges. We also need modern technology to facilitate their efforts.

Our budget is built to meet these fundamental needs. But it also calls for the funding necessary to continue (and, in some instances, to expand) our long commitment to many vital programs through which the Judiciary serves the community.

Foremost among these programs is our Civil Legal Services grants program. Through this program, we seek to increase access to justice by helping to ensure that lower income New Yorkers can secure needed legal representation in civil cases. With the support of the Governor and the Legislature, we received \$85 million for the program in 2018-19, from which we have been able to provide funding to 78 civil legal services organizations serving low income New Yorkers in every county in matters involving life's essentials: housing-related matters, family

matters, access to health care and education, and subsistence income. These organizations report that, in the last year, they handled 483,000 cases benefitting more than two million New Yorkers. These cases included evictions, foreclosures and other housing matters, domestic violence, consumer debt, personal safety, immigration, and transformative health, education and income support services.

On top of the \$85 million entrusted to us and distributed through our Civil Legal Services grants, we received \$15 million in 2018-19 to be passed on to the IOLA Fund, which also is dedicated to supporting civil legal services organizations for the disadvantaged.

In 2019-20, we are again requesting a total of \$100 million for these vital programs.

I also want to highlight our continuing commitment to specialized courts. In the coming year, we will focus particularly on expanding our opioid courts to judicial districts statewide; our veterans treatment courts and mental health courts into a number of underserved upstate areas; and our Human Trafficking Intervention Courts into additional venues. In 2019-20, we also will maintain our ongoing efforts to further access to justice by ensuring that persons without English proficiency or with physical disabilities do not face barriers in their use of the courts.

Also among our very highest priorities is the protection of judges, court staff, the bar and the public in our courthouses. The significant budget cuts imposed on the Judiciary in 2011 forced court staffing cuts, including reductions in court security staffing. But the security reductions were proportionately less than reductions across other titles in our nonjudicial workforce. And since 2011, we have been able to restore many of those positions, especially in the past several years. As of today, there are 3,982 court employees in security titles deployed throughout the State. This includes 129 graduates of our court officer academy last December. It does not include a new class of 240 recruits scheduled to begin training next month in our

newly-opened, state-of-the-art Court Officers Academy in Brooklyn. Besides this increased staffing, with the help of this year's capital projects funding our commitment to public safety has included enhancements in the equipment relied upon by security personnel. With some of the capital projects funding we're requesting for 2019-20, we'll implement further enhancements in the coming year.

Our budget request is also designed to support new measures that are particularly vital to the continuing success of the Excellence Initiative. Among these are steps recommended by the Chief Judge's Special Commission on the Future of the New York City Housing Court. They include changes in judicial assignments and designation of court parts; provision of more court staff and more staff training; court calendar reforms, implementation of staggered appearance times and use of help centers and volunteer court navigators to assist litigants; increased use of technology to permit e-filing; and reconfiguration of available court space. Implementation of the Commission's recommendations will naturally complement New York City's landmark program assuring access to legal representation for all low-income persons facing eviction in the Housing Court.

Also to further the Excellence Initiative, we are seeking budgetary support for expanded use of court-sponsored alternative dispute resolution throughout the State. Our plans for the coming year include support for pilot mediation programs in non-domestic violence family-related and matrimonial disputes, Surrogate's Court matters and New York City Housing Court matters. Further, we are looking to increase funding for the very successful community dispute resolution centers program.

This is why we are urging your support for our budget request.

Well over 90 percent of the Judiciary budget is devoted to personnel costs. In fact, much of our request is needed simply to permit us to continue to replace court employees who leave service – a matter of vital importance since, even with a two percent increase in funding in 2019-20, we will remain at lower staffing levels than we enjoyed before the budget cuts of 2011.

Because of this fact, some have suggested that we should be asking for more than a two percent increase. It is tempting to do so. But we are choosing not to ask for more because our mission, as the third branch of government, goes beyond just processing cases. It is also to be as prudent and vigilant as we can be in spending the public's money. To be fully responsible to the public we serve, we must strike a fine balance. In our view, a two percent increase will allow us to continue to make the kind of progress we've been making over the last several years in addressing backlogs and delays while, at the same time, respecting the same fiscal constraints that bind the rest of government.

In saying this, I emphasize that our budget includes no funding for the costs we must incur to meet the courts' responsibilities for implementing the Raise the Age legislation. These responsibilities are considerable. Raise the Age is expected to generate a significant increase in workload for the Judiciary in 2019-20, especially in the Family Court. There it is projected that Raise the Age will ultimately result in caseload growth of over 6,000 new filings. This will have a substantial operational impact. In Family Court, because of the nature of the issues and the parties involved, the burdens of case disposition are especially labor-intensive and time-consuming, and command proportionately greater resources from our budget. Moreover, because of the nature of Raise the Age, the added caseload growth will generate increased technology and training burdens, as well as what may produce the greatest budgetary impact for

us: increased costs triggered by many more calls for attorneys for child representation, costs that we incur in the Judiciary budget.

Our 2018-19 budget included only limited funding for the courts' implementation of Raise the Age. For the fiscal year, however, the Legislature appropriated funding of \$100 million to the Executive for disbursement among the agencies of government incurring Raise the Age costs. The Judiciary was designated as a beneficiary of a share of these monies; and, to date, we have received \$10 million in supplemental funding.

For the 2019-20 fiscal year, we project that our Raise the Age costs will again rise considerably, as the law expands its reach to include 17-year olds. At the direction of DOB, we have excluded those costs from our budget submission in return for assurances that we will share in the broad Raise the Age appropriation to be made to the Executive for the new fiscal year.

To conclude, as I noted at the outset, our 2019-2020 budget request is modest and straightforward. It asks for a two percent increase in our operating budget. The bulk of this increase will permit us to maintain staffing at levels needed to realize the goals of the Excellence Initiative: reduction in case backlogs and faster disposition of all cases filed with the courts. Thank you for your attention this morning, and thank you for your support of the Judiciary. Of course, I'm happy to answer any questions you may have.