



Testimony

Public Hearings on the Executive Budget before the Joint Fiscal Committees of
the Senate and Assembly Public Protection

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On behalf of the Committee for Modern Courts, I want to thank the Joint Legislative Committees for providing our organization with the opportunity to submit this testimony in support of the Unified Court System's (UCS) budget request of \$2.25 billion for FY 2022. Your support for this budget request is essential for the continued operation of the Judiciary during these challenging times.

Modern Courts is an independent nonpartisan statewide court reform organization committed to improving the court system for all New Yorkers. We support an independent, highly qualified and diverse judiciary that provides for the fair administration of justice and equal access to justice for all who use the courts to resolve their legal disputes. Through research, public outreach, court monitoring, education and advocacy efforts, Modern Courts seeks to advance these goals and to ensure public confidence in the judiciary.

This past year, the court system and those using the courts have faced incredible challenges. Last year, the Legislature responsibly approved the judiciary budget as submitted by UCS. That budget, which we note is the same amount as this year's request, would have been adequate to fund judicial operations during FY 2021. But because of the financial crisis brought about by Covid-19, UCS imposed a 10% spending cut of its FY 2021 budget in order to ensure that New York State had adequate funds for all its many operations and obligations. Those spending cuts made it harder and more burdensome for New Yorkers - especially those hit hardest by the economic impacts of the pandemic including those who are dealing with mortgage foreclosure, homelessness, food insecurity, unemployment, domestic violence, and other unprecedented challenges, to access the courts.

As a result of those cuts, which included a strict hiring freeze expected to continue well into FY 2022 and resulting in more than 1,000 staff reductions at all levels of the courts – clerks, back office staff, public safety personnel, interpreters, specialists, managers and others; significant cuts to legal services organizations funded by the courts; and the separation from service of 46 senior judges, the court system is severely under-resourced to handle the flood of new cases expected to follow the pandemic.

Now is the time to invest in our court system by approving the judiciary budget as submitted by the Unified Court System.

Modern Courts requests that with your leadership, the Judiciary in New York be provided with the budget that will allow it to meet its constitutional mandate and provide the public, including vulnerable populations, with access to justice. Modern Courts supports the budget as submitted by the Judiciary, which requests \$2.25 billion in State Operating spending and reflects no change from the FY 2021 revised cash estimate. We believe this budgetary request demonstrates the Judiciary's commitment to fiscal responsibility. At the same time, the budget supports the Chief Judge's Excellence Initiative which will enable the Judiciary to continue to make the progress that it has been making over the last several years to address backlogs and delays, and ensures fairness and efficiency in the court system.

CIVIL LEGAL SERVICES

Modern Courts supports the continued funding of civil legal services that ensures access to justice for New Yorkers in crisis without sufficient resources to hire a lawyer. That need continues to exist, especially as a result of the harsh impacts of COVID on the poorest

communities in our state. It is anticipated that spending for civil legal services again will be cut by 10%, at a moment when an increase in funding is imperative.

For Modern Courts, this is a matter of simple justice that affects the safety and security of families and children. We ask that you support the funding for civil legal services and the providers who service every county in this state, and can provide critically needed legal representation.

IMPROVED TECHNOLOGY

Modern Courts supports the Judiciary's request for a \$25 million capital appropriation, which will allow the Judiciary to continue the infrastructure modernization essential to support efficient operations of the courts. The specific programs to be supported by the budget request includes continued advances in computer network and other automation, modernization of security equipment, ongoing digitization of court records, and facility renovation and upgrades.

JUDICIAL CONDUCT COMMISSION

The Commission on Judicial Conduct is an independent agency of state government, created in the NYS Constitution to enforce the obligation of judges to observe high standards of conduct while safeguarding their right to decide cases independently. It was created, with the active support of Modern Courts, to ensure the public's continued confidence in the fairness and impartiality of the Judiciary. In order for the Commission to meet its obligations under law, it needs to be adequately funded. We support the Commission's request for a modest appropriation of \$6,026,000, which is the same as last year's request, with the responsible commitment that it will spend 5% less if no federal relief or other revenue is forthcoming. This budget request

means that the Commission will not fill any staff vacancies and will postpone standard raise and other mandated increases. We note that even during the pandemic the Commission issued 24 disciplinary rulings, 10 more than any year since 2009.

LANGUAGE ACCESS

Modern Courts applauds the Judiciary for continuing its commitment, through this budget, to ensure that all persons may seek justice in New York's courts despite limited or no English proficiency. The Judiciary's expansion of interpretive services, remote video interpreters, the use of bilingual orders of protection, the translation of documents and information, including DIY forms, and the commencement of a "plain language" initiative are essential to access to justice for all New Yorkers.

EXPANDING ELECTRONIC FILING

Modern Courts would like to note and commend the Judiciary for its continued commitment to the expansion of electronic filing throughout the State. The convenience and cost savings attributable to this program are incalculable.

COURT SIMPLIFICATION

As the Chief Judge said in the judiciary's 2022 FY budget proposal, "While the coronavirus crisis limited progress this year on one of the primary policy concerns addressed in the court system's FY 2021 budget – court simplification – it provided stark additional proof of the need for such structural change."

Modern Courts believes that the difficulties navigating New York's the outdated and confusing court structure have become far more consequential during this time of sustained public emergency. We need a court system where resources can be allocated easily where they

are most needed and one that operates efficiently in order to provide a system of justice that benefits all those who use the courts system to resolve problems that require judicial intervention. It is our belief that the simplification of the courts will significantly enhance that system's ability to maximize efficiencies and modernize operations statewide, and enable the courts to respond creatively and effectively to the changing needs of the people it serves.

Therefore, we continue to urge that this issue be addressed by the Legislature and the Executive in FY 2022. We believe that court simplification will make the court system work better for those who use the courts – families burdened by having to appear in multiple court venues; unrepresented individuals with few if any resources; survivors of domestic violence; and others with limited financial means.

It should be noted that during 2020, Modern Courts organized the Simplify the Courts! Coalition composed of 111 organizations from all parts of the state focused on the critical goal of simplifying the New York State court system. The members of this Coalition are independent organizations, with a wide variety of perspectives and interests, who have agreed to work together to simplify our court system to benefit the individuals they represent in New York's trial, family, civil, criminal and housing courts.

Respectfully Submitted,

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