



**NEW YORK STATE SUPREME COURT OFFICERS ASSOCIATION, INC.
I.L.A. - A.F.L. - C.I.O.**

**TESTIMONY BEFORE JOINT LEGISLATIVE BUDGET COMMITTEE- NEW YORK STATE SUPREME COURT
OFFICERS ASSOCIATION- PRESIDENT, PATRICK CULLEN**

Good day Chairpersons Krueger and Weinstein and members of the Legislature. I am privileged once again to address you on behalf of over 2,500 active and retired Court Officers. For many years, I have had the distinct honor to bring to light the impact of the budgetary process on our members, as public employees in the service of the Unified Court System, but also as citizens of this great State. This year is no different, in that respect, yet everything is different.

The New York State Court system did not shut its doors in the face of a once in a lifetime crisis. This is largely due to the dedication and service of our membership. We could not be prouder to represent these outstanding public employees. This continuity has not occurred without its challenges. Hundreds of court employees have dealt with infection with the COVID-19 virus and, as have all New Yorkers, faced the problems of caring for ill family members and having to take the extraordinary steps of educating their children at home. While we have persevered, the system faces a very long road to recovery, a road that can begin to be paved right now in this budgetary process.

As has been documented the Office of Court Administration's reduction in its spending plan has resulted in a subtraction of 291 million dollars at the urging of the Executive. In doing so, these tough decisions targeted certain resources, but in doing so, eliminated the necessity to lay off over 320 non judicial employees. While this prudent decision has kept our staffing levels at a fairly flat level, we have been short handed for almost a decade and combined with a strict hiring freeze and normal attrition we anticipate a drop of nearly 15 percent or over 2,000 employees. So, while actions to prevent the loss of current employees in an era of assault on our governmental institutions occur, we face down an historic backlog of cases. In maintaining the current spending plan, we will be able to sustain many positions, but not grow and certainly not at the rate of demand for the services of the NYS Court system. This system cannot, especially as a co-equal branch of government, operate speculatively on the hopes of some federal governmental aid. The judiciary budget, as presented, leaves our entire court system reeling and nowhere near the level of preparedness for what's to come.

In 2011, when the Office of Court Administration followed severe budgetary distress with a workforce reduction, a major solution to further fiscal problems was to shut all parts in all facilities by 4:30 PM every day. Additionally, in the following years, a number of court services were cut to a great degree. I point this out to you with great concern about mirroring a similar determination in response to a far greater fiscal abyss paired with unparalleled case backlogs throughout the State. For example, during that period of time, Judges were directed to immediately end a day's proceeding at 4:30 on the dot. I personally saw witness testimony halted mid-sentence to abide by the directives. This activity prolonged

individual cases on a daily basis for a long period of time. In fact, by trying to save money, far more time was wasted. During 2019, from the period of time between March and year end, New York City conducted in excess of 800 jury trials. During the same period of time in 2020, the pandemic having curtailed court operations, only 8 jury trials were conducted. While virtual proceedings have had benefits for the system, only one percent of jury trials from the previous year were able to take place. This leaves our system in serious trouble. I urge you all to keep these examples in mind as this system will eventually attempt to recover. The system and the public relying on it cannot afford to withstand such limits levied on the time and business of our court system.

While the practice of virtual advances allowing remote court appearances have kept the system on its feet, our members on the frontlines of our system consistently report technological issues. This should be of particular concern to the budgetary process as it raises the legitimate usage of resources which certainly has the potential for widespread complications. For instance, reports from staff illustrate delays as commonplace which place a serious burden on taxpayer money when redirected in order to create what has been deemed a "better normal". A parallel can be drawn to the merger pilot program in 2005. That initiative attempted to merge courts in Bronx County, using massive amounts of resources and opening new court parts in an effort to create a new way of doing things. It was an unmitigated failure which took over a decade to repair. I encourage the legislature to remain committed to funding a court system which was well on its way to recovery before the pandemic and not shuffle taxpayer funds into creating new formats which have served their purpose but ultimately detract from the goal of fulfilling the court system's constitutional mandate.

During the course of the last year, I have been able to participate in multiple joint legislative hearings on the impact of COVID on our court system. I certainly have made clear our concerns about cleaning our facilities and the care taken to return Officers to work among other health related dilemmas. I mention these other concerns because they relate to the budget, not directly, but I believe a lack of funding exacerbates concerns within the workplace. This topic is just as important as any other discussed here today. Our reasonable expectation of a safe, clean and adequate workplace is of the highest import and I request support from you all to assist in protecting our workplaces as we move toward the end of this horrific crisis. After all, our workplaces are the site of your constituents' civic business.

I thank you very much for your service and attention.