

JOINT LEGISLATIVE HEARING ON THE 2024-25 JUDICIARY BUDGET

STATEMENT OF CHIEF ADMINISTRATIVE JUDGE JOSEPH A. ZAYAS

January 25, 2024

Good morning Chairpersons Krueger, Weinstein, Hoylman-Sigal, and Lavine, and all the other committee members participating today. I am Joseph Zayas, Chief Administrative Judge of the New York State Unified Court System. It is my pleasure to appear before you this morning to discuss the Judiciary’s budget submission for the 2024-25 State Fiscal Year.

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I appear today on behalf of Chief Judge Rowan D. Wilson, our outstanding leadership team, and the over 16,000 judges and nonjudicial employees of the Unified Court System. Together, we are more committed than ever to ensuring that the judicial branch has the resources it needs to guarantee that all New Yorkers have access to the fair and expeditious administration of justice in our courts.

To achieve this goal, our budget this year will not only enable the Judiciary to continue its ongoing work but also address historic access-to-justice funding gaps. This budget calls for \$2.7 billion in spending, which includes an increase of \$131.2 million (or 5.2%) over the current year, to maintain core operations and meet required statutory obligations. More specifically, this funding will support the cost of new judgeships added by the Legislature in 2023; negotiated pay increases for nonjudicial employees; judicial pay increases recommended by the 2023 Quadrennial Salary Commission; cost-of-living adjustments for legal services providers; and critical technology upgrades for the courts.

Our budget also includes a further increase of \$50.8 million (or 2.0%), which will be used to implement much-needed operational enhancements. These include additional judgeships and staff in our Family and Housing Courts; additional court attorney positions in the lower courts; additional resources to expand the reach and impact of our mental health and other problem-solving courts; expanded access to justice, anti-bias, and diversity programs; and increased funding for legal services and CASA providers.

Lastly, our budget seeks \$971.7 million for General State Charges to meet court employee and retiree fringe benefit costs.

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Why are we asking for an increase of this size now? Because, over the past 15 years, the Judiciary has endured a series of austerity budgets that have forced the courts to try to do more with less. While many of these budgets limited us to no-growth or only minimal growth, there were several that called for major spending cuts. The most dramatic of these was our budget for the 2010-11 fiscal year, when the Judiciary's budget was slashed by \$170 million, necessitating the layoffs of approximately 400 court employees as well as other difficult austerity measures. Also extremely challenging was our budget for fiscal year 2020-21, the first full year of the pandemic. In response to the Governor's call for ten percent spending reductions by all agencies, we were forced to cut nearly \$300 million from our proposed all funds budget. This meant imposing a hiring freeze that ultimately reduced our nonjudicial workforce by 1,000 employees and not certifying 46 Supreme Court Justices for continued judicial service past the age of 70. Other spending needed to allow the courts to meet their crucial responsibilities to the State was likewise shelved.

Unfortunately, even now, with the pandemic hopefully in the rearview mirror, the Judiciary is a long way from recovering from those devastating spending cuts and the stunting effect they had on needed growth and development of court operations and services. Our budget for 2024-25, accordingly, reflects our desire to take major steps toward recovering the resources we have lost over the years and having the means to provide New Yorkers with a court system that is fully equipped to meet the tremendous justice challenges of this moment.

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New York's Unified Court System is among the largest, busiest, and most complex in the country. It consists of 11 trial courts; the four Departments of the Appellate Division and three Appellate Terms serving as intermediate appellate courts; and a Court of Appeals as the court of last resort. These courts sit in over 300 locations across the state and are served by more than 1,300 State-paid judges and justices, who are supported by approximately 15,000 nonjudicial staff. These judicial and nonjudicial personnel must address and dispose of 2.4 million new case filings annually.

To do all of this work fairly, compassionately, and efficiently, we must overcome the deficits of the past and adapt ourselves to meet present-day needs and public expectations. We need, for one thing, enough judges and staff to handle our daunting caseloads. And we must provide them with all of the tools and technologies that are needed to function as a truly modern court system; we must ensure that there are sufficient legal and professional services providers to assist the litigants who appear each day in our courts, often under stressful and emotionally trying circumstances; and we must have the resources to effectively operate mental health and other specialized problem-solving courts that can meet the particular needs of today's society.

An adequate workforce. Unquestionably, the court system needs more judges and more staff to do its work effectively. In 2023, our caseloads continued their steady growth, most notably, in the criminal parts of our Supreme and County Courts (18% increase since 2021), the civil parts of Supreme Court (10% increase), and — largest of all — in Family Court (26% increase). We are grateful that, in the years since the pandemic, the Legislature has added 54 new judgeships to help meet these increased demands. But even more are needed.

We need more judges in Family Court and in the Housing Part of the New York City Civil Court. That these courts are overburdened has been well-documented and we are firmly committed to adding new judges to relieve their burdens. Our budget makes good on this commitment by including funding for 28 new Family Court judgeships, along with five new Housing Part judgeships to be established by the UCS. It also includes funding for 20 new judgeships that were created by the Legislature last session, including 13 Family Court judges. The court system would also benefit from the ability to adjust the number of Supreme Court justices based on caseload demands rather than archaic population-based metrics, and, therefore, we endorse the calls by the Governor and the Legislature for adoption of a constitutional amendment that would eliminate the current ceiling on the number of justices that can be created.

As important as the addition of more judges to the courts may be, equally important is the addition of sufficient staff to support those judges. For this reason, the Judiciary budget seeks major funding to help us continue to rebuild our nonjudicial workforce, which, up until a few years ago, was seriously depleted.

Just prior to the 2010-2011 fiscal crisis, the Judiciary employed 17,100 people. The layoffs and hiring freeze necessitated by sharp reductions in the court's budget that year diminished our workforce by more than 1,200 employees — clerks, court officers, court attorneys, and many

others important roles — by year’s end. Austerity budgets over the succeeding years made it difficult to replace these lost employees. And the hiring freeze put in place during the peak of the pandemic uncertainty only made matters worse. The bottom line: by the end of 2021, the Judiciary’s nonjudicial staffing level fell to around 14,270 employees, meaning that we had lost almost 3,000 employees, or about 17 percent of our staffing, over the course of 13 years.

In the years since, this has presented a serious challenge to court managers, judges, and others working in and around the courts. Caseloads have remained high; and the justice needs of New Yorkers have only become greater and more complex. Our past two budgets have, thankfully, enabled us to start rebuilding our staffing levels. Much remains to be done, however. Our budget request this year aims to restore the courts to 15,700 full-time equivalent nonjudicial positions — which is still 1,400 positions fewer than we had 15 years ago, but a significant step in the right direction. This includes 470 new positions to support additional judgeships that have been established and to meet other institutional obligations. The budget will also allow the Judiciary to fund four new court officer classes to assure that court security needs are met across the State.

Family Court. The challenges faced by these vital courts have been well-documented — some are structural, some cultural. In our budget, we address the former by seeking an additional \$20 million in funding (a 10% increase) for these courts. This will pay for the 13 new Family Court judgeships added by the Legislature last year plus nonjudicial staff to support them. Looking ahead, we are also seeking funding for 28 more Family Court judgeships and necessary staff, as well as funding to increase overall nonjudicial staffing levels, including in-part positions such as interpreters, senior court clerks, and court officers.

With respect to the concerns about the culture in our Family Courts, we are trying to address them in several ways. First, we recently appointed Albany Supreme Court Justice Richard

Rivera to be the first-ever Statewide Coordinating Judge for Family Court Matters. Justice Rivera's charge is to cultivate best practices to promote access to equal justice and develop training programs for Family Court judges and nonjudicial personnel. Second, we have enhanced the visibility of the system in the New York City Family Court that allows court participants to express concerns about judges and nonjudicial staff. Administrative and Supervising Judges investigate the issues that court users raise and, where appropriate, take remedial action. Moreover, feedback is regularly solicited from participating agencies, and Supervising Judges also listen to proceedings and conduct courtroom observations to ensure court participants are being treated with compassion and dignity. Third, we require that all Family Court judges and staff participate in equal justice programs that include anti-bias training and instruction on procedural fairness.

In addition, we continue to use mediation services to help address case backlogs; utilize virtual appearances to relieve some of the burden of having to physically appear in court and to reduce overcrowded courtrooms; and have expanded the use of e-filing to reduce the time and expense of litigation and provide operational efficiencies for the Court.

Supporting mental health courts and other specialized courts. New York has long been a national leader in the development and deployment of specialized, or problem-solving, court parts. There are nearly 340 of these innovative parts across the State, each dedicated to addressing a particular kind of issue that results in involvement in the criminal justice system, including human trafficking (12 parts), domestic disputes (38 domestic violence and 43 integrated domestic violence parts), substance abuse (95 drug treatment and 28 opioid parts), difficulties transitioning to civilian life after military service (36 veterans treatment parts), and mental health issues (42 parts). Other problem-solving parts include community courts, and parts devoted to family treatment, impaired drivers, and emerging youth. All of these courts are run by judges and staff

who receive specialized training to meaningfully engage with the individuals who appear before them. Each has a dedicated docket, and each provides intensive judicial monitoring and facilitates connections with outside services and agencies.

In this year's budget, we are expanding our commitment to these crucial — and often life-changing — courts. We are seeking \$16.7 million for staffing in our drug treatment parts, an increase of \$1.7 million (11.4%) over current year funding. And we are also requesting additional resources to expand the impact of our mental health courts. In the years ahead, we anticipate that our work in this area will be guided by the recommendations of our Judicial Task Force on Mental Illness, which was created last year to examine the current landscape, convene community and governmental partners, and advance improvements to justice system responses for children, youth, and adults with behavioral health issues and co-occurring disorders.

A modern court system. Long before the Covid-19 pandemic struck New York in early 2020, the Judiciary sought to make greater use of technology to help streamline and otherwise improve the delivery of services in the courts. Indeed, over 30 years ago, we promoted the enactment of legislation permitting participants in certain criminal court proceedings to appear remotely. And, in 1999, and continuing over succeeding years, we sought and were granted authority to permit the e-filing of court papers. Today, e-filing is a regular feature of practice in many of our major trial courts and is now in the process of expanding into Family Court.

Our commitment to the use of technology in court operations is stronger than ever. During the pandemic, it was necessary to quickly introduce the use of virtual court proceedings — *i.e.*, proceedings conducted with participants at locations remote from one another and from the courthouse — so that emergency matters could be resolved. It became apparent early on that virtual proceedings yielded a myriad of benefits beyond protecting public health. We saw that, used

appropriately, virtual proceedings could facilitate greater access to justice, expedite the disposition of court caseloads, and reduce the costs of litigation. Our Court Modernization Initiative gained momentum from these efforts. This initiative, which commenced in 2019, aims to outfit courtrooms across the State with cameras, monitors, and other equipment needed to effectively conduct virtual, hybrid, and in-person court proceedings. To date, we have equipped many courtrooms in New York City Supreme Court with the latest evidence presentation, hybrid-hearing, and accessibility technology; installed acoustic treatments in 15 courtrooms across the State; upgraded the sound systems in over 1,200 courtrooms; installed assistive-listening systems in more than three-quarters of the State's courtrooms; equipped two-thirds of those courtrooms with mobile or fixed videoconferencing capability; and made major audio and visual improvements in several jury assembly rooms. Our overarching goal is simple: to provide the public with the most modern and accessible court facilities.

Naturally, we anticipate even greater use of technology in the future. To that end, our budget calls for \$93.4 million for technology needs, which includes approximately \$15 million in new funding. Among the goals we seek to achieve with this funding (which will be utilized by our newly-reorganized Division of Courtroom Modernization): technology enhancements through an expansive network of computer systems, with the provision of software, hardware, and other technology essentials; introduction of new and upgraded audio systems, videoconferencing equipment, and assistive listening devices for every one of the State's hundreds of courtrooms; and the outfitting of jury rooms, conference centers, and public spaces to improve communication with court users. This funding will also support our court research unit, whose mission is to supply data, analyses, and reports regarding our work — all of which are increasingly essential to aid

court managers and policy makers in determining the best use of resources to ensure the fair and expeditious administration of justice.

Court security. The safety and security of those who work in and around the courts, and that of the public that must appear in court, is our highest priority. Accordingly, our 2025 budget request includes \$436 million for the Judiciary’s Public Safety Program, which supports almost 4,000 court-employed security staff, as well as 252 contracted local law enforcement officers who supply security services to the courts. The Public Safety Program also supports Court Officer Training Academy facilities and operations, and statewide security-related equipment needs.

From a low point in FY 2021, the court system’s court officer staffing level has since grown by approximately 22%, or 700 full-time equivalent positions. There remains a need, however, to increase security staffing levels in courthouses statewide. To address this need, our budget request includes funding to support two upstate and two downstate Court Officer Training Academy classes (three in 2024, and one in early 2025), with an expected eventual combined deployment of approximately 600 new Court Officer-Trainees.

Also with respect to court security, we continue to support enactment of the Judicial Security Act. This legislation, to which Governor Hochul has lent her support, would, among other things, help shield the private personal information of judges and their families, including their addresses and other identifying data, from public display.

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In closing, I want to emphasize that this year’s budget request should be seen as an attempt to catch-up — an effort to restore to the courts the resources they have been deprived of because of recent fiscal crises, and to provide them with funding for crucial programs that have, up to this point, been beyond our means to implement. The increase we are asking for, while greater than

increases we have sought and received in recent years, is long overdue and, in fact, significantly less than the increases that have been granted the Executive Branch during that same time.

I assure you that the courts are wholly committed to the fair, compassionate, and prompt administration of justice. This is not just some noble-sounding aspiration; it is a vital goal that we intend to realize — a goal that *must* be achieved if the people of this State are to enjoy meaningful access to justice. I know that the Legislature shares this goal. So we look to you, and to the Governor, to provide us with the resources we need to make it a reality — every day, in every court, and in every part of the State.

Thank you for your attention. I will be glad to answer any questions that you may have.