

BEFORE THE NEW YORK STATE SENATE FINANCE  
AND ASSEMBLY WAYS AND MEANS COMMITTEES

---

JOINT LEGISLATIVE HEARING  
In the Matter of the  
2012-2013 EXECUTIVE BUDGET  
ON PUBLIC PROTECTION

---

Hearing Room B  
Legislative Office Building  
Albany, New York

January 30, 2012  
9:33 a.m.

PRESIDING:

Senator John DeFrancisco  
Chair, Senate Finance Committee

Assemblyman Herman D. Farrell, Jr.  
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Liz Krueger  
Senate Finance Committee (RM)

Assemblyman Clifford W. Crouch  
Assembly Ways & Means Committee (RM)

Senator John J. Bonacic  
Chair, Senate Committee on Judiciary

Assemblywoman Helene E. Weinstein  
Chair, Assembly Committee on Judiciary

Senator Stephen Saland M. Saland  
Chair, Senate Committee on Codes

Assemblyman Joseph R. Lentol  
Chair, Assembly Committee on Codes

2012-2013 Executive Budget  
Public Protection  
1-30-12

PRESENT: (Continued)

Senator Michael F. Nozzolio  
Chair, Senate Committee on Crime Victims,  
Crime and Correction

Assemblyman Jeffrion L. Aubry  
Chair, Assembly Committee on Correction

Senator Greg Ball  
Chair, Senate Committee on Veterans,  
Homeland Security and Military Affairs

Senator Gustavo Rivera

Assemblyman Alfred C. Graf

Senator Ruth Hassell-Thompson

Assemblyman Philip M. Boyle

Senator Elizabeth O'C. Little

Senator Martin Golden

Assemblyman Joseph M. Giglio

Senator Patricia A. Ritchie

Assemblyman William Colton

Senator Velmanette Montgomery

Assemblywoman Michelle Schimel

[1] most recently your historic reform of the  
[2] process for settling judicial salaries.

[3] I also want to acknowledge Chief  
[4] Judge Jonathan Lippman and my predecessor,  
[5] Judge Ann Pfau, for their outstanding work in  
[6] crafting a budget that carefully reconciles  
[7] the demanding concerns of physical austerity  
[8] and the need for the resources to handle the  
[9] massive caseloads of the court.

[10] This budget is considerably shorter  
[11] than prior submissions of prior years and a  
[12] response, I believe, to the concerns that  
[13] were raised at prior hearings. I hope it is  
[14] more transparent and easier to understand.

[15] As Governor Andrew M. Cuomo observed  
[16] in his State of the State address, New York  
[17] is at a crossroads. My friends, so too is  
[18] the Judiciary. We face a staggering  
[19] workload, yet economic realities mean that we  
[20] have fewer resources to carry that burden.

[21] I am very proud of the way that our  
[22] judges and our nonjudicial staff have  
[23] responded to this challenge. It's not just  
[24] that everyone has to work harder. Rather, as

[1] many good relationships here in Albany.

[2] The proposed budget reflects our  
[3] commitment to work with the Legislature and  
[4] the Executive branches to address the state's  
[5] fiscal crisis. It bears the fruit of our  
[6] ongoing reassessment of court operations. It  
[7] is the second consecutive negative-growth  
[8] budget with a General Fund request that is  
[9] \$3.9 million less than the current year.  
[10] This has been achieved despite more than  
[11] \$70 million in increased costs, including the  
[12] cost of the judicial salary adjustment and  
[13] the represented nonjudicial salary increases  
[14] as mandated by law.

[15] We are able to present the  
[16] negative-growth budget as a result of a broad  
[17] range of cost-cutting measures and efficiency  
[18] improvements. We have streamlined court  
[19] administration to devote resources to the  
[20] trial courts. We have modified operations to  
[21] sharply reduce overtime costs. We have  
[22] eliminated the high cost of print legal  
[23] reference materials in favor of a flat-rate  
[24] online legal research process. We have

*Chief  
Admin. Judge  
Prudent!*

[1] Governor Cuomo has said, now is the time to  
[2] reinvent government. The Chief Judge and  
[3] Judge Pfau made considerable progress, and  
[4] one of my highest priorities as the new chief  
[5] administrative judge will be to reevaluate,  
[6] to adapt, and to transform.

[7] As I have done throughout my career  
[8] as an administrator, I will be taking a good  
[9] hard look at every aspect of court operations  
[10] and how we can become more efficient without  
[11] compromising our ability to fulfill our  
[12] constitutional mission.

[13] To this challenge I bring 20 years of  
[14] experience as trial court judge, an  
[15] administrative judge, and the presiding  
[16] justice of the Appellate Division for the  
[17] Second Judicial Department, perhaps the  
[18] busiest appellate court in the country.

[19] I also bring an open mind, an  
[20] attentive ear, and hope you will get to know  
[21] me as a person of goodwill. I look forward  
[22] to hearing from all of you. I believe that  
[23] all good relationships are built on mutual  
[24] trust and respect. I hope I will develop

[1] largely replaced in-person training with  
[2] web-based remote programs.

[3] We have closely monitored juror  
[4] utilization to reduce expenditures for jury  
[5] fees and to ensure that our citizens are not  
[6] called upon for jury service when it is not  
[7] likely that they will be used.

[8] Technology continues to play a key  
[9] role with the expansion of eFiling, the  
[10] initiation of online attorney registration,  
[11] and a variety of innovative projects with  
[12] governmental agencies to improve interagency  
[13] transmission of data.

[14] The most significant measures were  
[15] the hiring freeze and the other steps that  
[16] have sharply reduced the size of the court  
[17] system's workforce. Three years ago we  
[18] adopted a program to encourage targeted  
[19] nonjudicial employees to leave state  
[20] service. In 2010 we implemented a retirement  
[21] incentive program. Unfortunately, as a  
[22] result of the reduction of the 2011-2012  
[23] budget request, we had no choice but to lay  
[24] off 400 nonjudicial employees.

[1] of those concerns.

[2] And the concerns, you know, it's  
[3] going to be a matter of priorities. But I  
[4] know one of priorities for the Chief Judge  
[5] and one of my priorities is to keep the  
[6] courthouses open and also to make sure that  
[7] we have additional hours not only for weekend  
[8] arraignments for people who come to us at  
[9] some of the most difficult times in their  
[10] lives and need our attention immediately.

[11] **SENATOR BONACIC:** And the last point  
[12] I'd like to make, and it's only a suggestion,  
[13] some of the Senators in the past have  
[14] expressed concerns about having more  
[15] itemization from the Judiciary in line  
[16] items. And I know when you present your  
[17] budget, you do it in the same form as the  
[18] Legislature. But every six months we file  
[19] financial statements with more specificity.

[20] And my suggestion is if you could do  
[21] the same, maybe share that with the  
[22] Legislature -- and you may want to post it on  
[23] your website of the Office of Court  
[24] Administration -- I think that might be

[11] differently, of course, than the court  
[12] system. But I really think we can work  
[13] together and we will be able to provide you  
[14] with the information that you request and the  
[15] public deserves.

[16] **SENATOR BONACIC:** Thank you very  
[17] much.

[18] **CHAIRMAN DeFRANCISCO:** Before we get  
[19] on to the next questioner, we've been joined  
[20] by Senator Mike Nozzolio.

[21] **CHIEF ADMIN. JUDGE PRUDENTI:**  
[22] Wonderful. Good morning, Senator.

[23] **SENATOR KRUEGER:** And also Senator  
[24] Ruth Hassell-Thompson.

[1] **CHIEF ADMIN. JUDGE PRUDENTI:** Oh,  
[2] Senator, good morning. Good morning.

[3] **CHAIRMAN FARRELL:** Next to question  
[4] will be Assemblywoman Helene Weinstein, chair  
[5] of the Judiciary Committee.

[6] **CHIEF ADMIN. JUDGE PRUDENTI:** Good  
[7] morning.

[8] **ASSEMBLYWOMAN WEINSTEIN:** Good  
[9] morning, Judge Prudenti.

[10] First, let me just say it's a

[1] helpful with more transparency.

[2] But thank you for being here today.  
[3] **CHIEF ADMIN. JUDGE PRUDENTI:** Thank  
[4] you, Senator. And I do understand this  
[5] issue. And I understand that more than a  
[6] budget issue, it really is one that really  
[7] does lend itself to expenditure reports. And  
[8] I'm sensitive to that.

[9] We do prepare similar reports at  
[10] different levels. And I think you make a  
[11] very, very good suggestion. And I promise  
[12] you that I will look -- I will work with you  
[13] and your office and any of the other members  
[14] from the Senate and the Assembly with the  
[15] same concerns.

[16] I'm also hopeful, you know, that, as  
[17] you know, the State Comptroller is moving to  
[18] a new financial system, and we will be  
[19] somehow able in this new system to create  
[20] these type of reports. I really think that  
[21] the new system will enhance transparency and  
[22] openness.

[23] You know, the way that the Senate and  
[24] the Assembly does business is a little bit

[1] pleasure to have you here as the chief  
[2] administrative judge. To some extent you've  
[3] been the secret of those of us in the  
[4] Brooklyn and the Second Department. So the  
[5] loss there is certainly the state's gain, and  
[6] I appreciate your being here today.

[7] **CHIEF ADMIN. JUDGE PRUDENTI:** Thank  
[8] you for the kind words.

[9] **ASSEMBLYWOMAN WEINSTEIN:** And in some  
[10] ways when the Judiciary testifies, it's a  
[11] much calmer situation than when some of the  
[12] other individuals have testified before us.

[13] The panel, over the years, the  
[14] Judiciary chairs have recognized the  
[15] difficulties the court system has. Whether  
[16] it's been Senator John Bonacic or Senator  
[17] John DeFrancisco, there has been strong  
[18] support for the Judiciary.

[19] And we appreciate how, with the  
[20] severe budget cuts of last year, that our  
[21] courts in New York have remained open, as  
[22] opposed to what's happened in other states,  
[23] and that there have been, while there have  
[24] been cuts that have impacted litigants, that