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Governor Applauds Judiciary's No-Growth Budget as 'Well Done'

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ALBANY - With no seat at the negotiating table and no chips to play even if it was involved in budget discussions, the Judiciary enters the annual dance with the executive and legislative branches mainly hoping to avoid stepping on anyone's toes.

So far, so good.

Governor Andrew Cuomo yesterday delivered the Judiciary's 2013-14 budget request to the Legislature without revision, as constitutionally required. But perhaps more significantly, the governor gave the Third Branch's no-growth, nearly \$2 billion budget request a glowing endorsement.

Cuomo praised Chief Judge Jonathan Lippman ([See Profile](#)), Comptroller Thomas DiNapoli and Attorney General Eric Schneiderman for proposing flat budgets to fund their operations in the next year.

"Flat funding is actually very hard to achieve," Cuomo said. "This is a job well done."

Referring specifically to the court's budget, he said it held the line on spending "yet ensures the courts have the resources necessary to uphold their constitutional duty."

"I commend the Judiciary for their continuing efforts to meet the state's fiscal goals by rethinking how the courts do business and for their continuing partnership with the executive branch," he said.

Although the governor must transmit the Judiciary budget unaltered, he can recommend cutbacks, and has done so in the past, and his remarks are viewed by the Office of Court Administration as a barometer of battles it could likely face. But with Cuomo's comments, and prior support from key lawmakers, early signs signal smooth sailing for the Judiciary budget.

Lippman, who two years ago endured withering criticism from the governor and cutbacks resulting in hundreds of layoffs, was elated.

"The commentary demonstrates not only our own efforts to re-engineer and streamline the Judicial Branch of government but also our close and collaborative relationship with the governor and the executive branch," Lippman said. "We feel we are on the same wavelength and doing what is best for the state. We know what it is to be a collaborative branch of government. We recognize that while we are independent, and defend that staunchly, we also recognize that we are interdependent with the other branches. We get it."

Lippman was quick to credit Chief Administrative Judge A. Gail Prudenti ([See Profile](#)), the prime architect of the Judiciary budget who will now defend it before the Legislature at a hearing slated for Feb. 6.

"Judge Prudenti has done a terrific job of modernizing the Judiciary... that watches the public fisc but recognizes above all our mission and mandate to foster equal justice," Lippman said. "She has been able to do it all."

Prudenti said the Judiciary budget has built-in efficiencies designed to ensure that "the trial courts are given the resources they need." She said that will entail significant changes in the way the OCA operates.

"No longer can the Office of Court Administration operate the way it has operated in the past," Prudenti said. "We are going to have to redeploy some of our troops to the trial courts. We are going to have to combine certain departments, downsize the Office of Court Administration, make sure e-filing and our infrastructure is constantly monitored and upgraded, and strike the delicate balance this budget tries to accomplish."

The Judiciary's budget totals \$1.97 billion, excluding the cost of employee benefits (and \$2.6 billion with those expenses factored in). It would grow by about 3.9 percent under the proposal before the Legislature, but the state-funded operational portion, the part that is of most concern to the governor and Legislature, would decrease .012 percent.

Under the plan, aid for civil legal services would increase by \$15 million, \$10.9 million would be allocated to implement indigent criminal defense caseload caps and \$8.2 million would be committed to the second phase of judicial pay raises, a 4.3 percent increase that would take effect April 1.

There are no new capital projects in the budget, although \$51 million from the 2007-08 budget would be re-appropriated for a court officer training academy in Brooklyn. State operational expenses would drop by \$212,013.

Overall, the executive budget presented by Cuomo yesterday totals \$136.5 billion, an increase of 1.9 percent, but with no increase in taxes or fees.

Legislation submitted with the budget would:

- Increase the minimum wage to \$8.75 from \$7.25 per hour.
- Permit the governor to close two under-used state prisons, Bayview, a women's facility in Manhattan, and Beacon, a women's minimum security prison in Dutchess County.
- Restrict plea bargaining of traffic tickets when the driver was speeding at more than 20 mph above the limit. In those cases, motorists would have to plead guilty to at least a point-bearing violation.
- Allow the Office of Children and Family Services to close all of its non-secure juvenile facilities. This year, as part of the "close to home initiative," the state barred the placement of juvenile offenders from New York City in facilities outside the city. Legislation proposed for the fiscal year beginning April 1 would extend "close to home" upstate and, effective May 1, Family Courts would no longer be permitted to place youth from counties outside of New York City with the Office of Children and Family Services. Instead, juvenile delinquents would be placed with a local social services district.

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