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Cutbacks Will Be Felt By OCA, Prudenti Says

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ALBANY - Chief Administrative Judge A. Gail Prudenti ([See Profile](#)) said yesterday that to the extent the Judiciary budget inflicts "pain," the pain will be inflicted on the Office of Court Administration.

Following a joint legislative budget hearing, Prudenti said that within the next few weeks staffers will be redeployed, some operations will be discontinued and perks will be eliminated in an effort to ensure that the Judiciary's core responsibilities are not compromised by her hold-the-line budget.

"If there is pain in the budget, I am committed to keeping the trial courts up and running and with their doors open, to giving them the resources they need to do their work," Prudenti said in an interview after the hearing. "If there is pain to be felt, it will be felt at the Office of Court Administration."

Prudenti declined to reveal details, but said that before the April 1 start of the fiscal year, "there will be a number of court officers being redeployed, a number of lawyers being redeployed, a number of court employees being redeployed."

She also said non-essential programs would be cut, newsletters eliminated, book purchases curtailed in favor of online research materials and OCA departments consolidated "to make sure that the functions that the departments provide are done in the most efficient manner that is possible."

Prudenti told lawmakers that she had hoped and expected to ask for a modest budget increase this year to fill in gaps left by cutbacks over the last two years, "but then Hurricane Sandy hit and everything changed."

"While the Judiciary is an independent branch of state government, we are, in a fundamental way, interdependent, and we recognize our responsibility to work with you and with the Executive Branch in addressing the serious issues that face our state," Prudenti told members of the Assembly and Senate. "We therefore are again, as we did last year, presenting a zero-growth budget."

The state-funded operational portion of the Judiciary budget would decrease .012 percent, totaling \$1.97 billion, and the total budget, factoring in employee benefits, would increase about 3.9 percent. Under the spending plan, the Judiciary would absorb the cost of judicial pay raises, statutorily required pay increments for non-judicial staff and mandated increases for indigent defense while committing an additional \$15 million to civil legal services. There are no new capital projects, but \$51 million from the 2007-08 budget would be reappropriated for a court officer training program in Brooklyn.

Receptive Audience

Prudenti stressed to a seemingly receptive group of lawmakers that the Judiciary is committed to "rethink[ing] the way we do business," focused on the goal of "ensuring fair, timely and equal justice to every one of the millions of New Yorkers who come to our courts each year."

To that end, Prudenti said all but essential purchases have been eliminated, overtime is carefully monitored and efforts are under way to automate more routine functions such as attorney registration and inter-agency transmission of data, curtailing the use of judicial hearing officers and to more closely scrutinize juror management, "not just to reduce expenditures for jury fees but to ensure that our citizens are not called to jury service when it is not likely they will be needed."

She said some cost-savings efforts such as the 4:30 p.m. shutdown of court proceedings to ensure that employees are out the door by 5 and not accumulating overtime proved "penny-wise, but pound foolish." The chief administrative judge said the policy has been modified to ensure that administrative judges have the discretion to extend hours when, for instance, a witness is on the stand late in the day and ending would extend a trial and perhaps force parties to incur additional fees for witnesses.

Prudenti said she had hoped to extend hours in the Family Court children's centers and restore evening hours in small claims court, but funds are unavailable.

However, she said that while the Court Appointed Special Advocates program, or CASA, was targeted for an \$800,000 cutback, the Judiciary is committed to finding additional resources to keep the program running. Several legislators, including Judiciary Committee Chairman John Bonacic, R-Mount Hope, urged Prudenti to find the necessary funds for CASA.

"These children, if they don't get help, won't make it," Bonacic said.

Legislators at the hearing, who questioned Prudenti at length, gave no indication that they will not support the budget, which has already been endorsed by Governor Andrew Cuomo ([NYLJ, Jan. 23](#)). No one suggested cutbacks, and some lawmakers expressed concern that the Judiciary not go too far in its efforts to contain spending.

"Justice isn't cheap," said Assemblyman Al Graf, R-Holbrook. "You have to pay for it."

Senator John DeFrancisco, R-Syracuse, chairman of the upper chamber's Finance Committee and a longtime trial lawyer, encouraged Prudenti to look toward the OCA bureaucracy, rather than the courts, for places to cut spending.

Also at yesterday's joint budget hearing, Robert Tembeckjian, administrator of the Commission on Judicial Conduct, defended his \$5.4 million budget, and Jonathan Gradess of the New York State Defenders Association urged the Legislature to establish a statewide/state-administered/state-funded public defense system to replace the patchwork system now in place.

Gradess noted that March 18 will mark the 50th anniversary of *Gideon v. Wainwright*, the U.S. Supreme Court decision that established the right-to-counsel for poor defendants.

"Without resources adequate to the task, the guilty are often wrongly convicted for doing more than they did, the innocent are wrongly imprisoned for things they didn't do, mothers and children are needlessly separated from one another, foreign national taxpayers who have lived peaceful law-abiding lives are torn from their citizen children, the young are turned off to the authority of government and dedicated lawyers doing public defense work are in pain," Gradess said.

Tembeckjian asked for the same \$5.4 million he has received every year since 2008, despite the fact that the agency's annual expenses increase by about 7 percent annually, largely because of contractual rent costs and legislatively mandated salary increases. He said the commission staff has been reduced from 55 in 2008 to 50 now, with five current vacancies, four of which he plans to delay filling for as long as necessary to save money.

"This is the fifth year in a row that our budget has been the same, requiring us to continue making serious economies, which we believe we can accomplish without compromising our core mission," Tembeckjian said. "However, it is becoming increasingly difficult."

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