

## OCA Seeks 2.4 Percent Budget Hike

BY JOEL STASHENKO

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STATE COURT administrators are asking the governor and Legislature for an additional \$44.4 million to run New York's Judiciary in the year beginning April 1.

Chief Administrative Judge Lawrence Marks said the proposed 2.4 percent general fund increase for the 2016-17 budget year maintains the courts' policy of fiscal prudence while continuing the Judiciary's core mission of keeping courthouses open and adequately staffed with officers, clerks, court reporters and interpreters.

"Our primary concern was determining what amount of money we need to operate effectively and enable us to fill crucial positions," Marks said in an interview.

The budget proposal submitted late Tuesday by the Office of Court Administration emphasizes that general fund spending hikes for the courts have averaged just 0.6 percent a year since the 2009-10 state budget. Administrators said they have kept spending down in part through e-filing and other technological advances and by essentially allowing no new hiring from 2009 to 2014 except in essential positions.

The latest fiscal plan calls for an extra \$15 million in spending on civil legal services, for a total of \$100 million in 2016-17. The courts said that total will include the \$15 million that the Interest on Lawyer Accounts (IOLA) program has produced annually for civil legal services.

Judiciary Spending			
	Current (2015-16)	Requested (2016-17)	Change
All Funds	\$2.08 billion	\$2.13 billion	\$48.6 M (+2.3%)
General Fund	\$1.85 billion	\$1.89 billion	\$44.4 M (+2.4%)

SOURCE: NYS Office of Court Administration

The budget does not include money for judicial pay raises.

A state commission on legislative, judicial and executive compensation is weighing recommendations for a round of judicial pay

A supplemental appropriation request would not be unprecedented. In the 2014-15 budget, the Judiciary submitted a \$5 million supplemental request to accommodate the January-March 2015 cost of 20 newly created Family Court judgeships.

Excluding the additional spending for salaries, OCA said its 2016-17 budget request totals \$1.89 billion in general fund spending, compared with \$1.85 billion in the current fiscal year.

"All funds" budget spending, incorporating money coming to the courts from all sources, would total \$2.13 billion in 2016-17, up \$48.6 million from the current \$2.08 billion.

Marks said 90 percent of the courts' spending goes to salaries and fringe benefits for employees, and that much of the proposed increase is for previously mandated payroll or contracted costs.

The bulk of general fund spending on the Judiciary goes to employees' salaries. Fringe benefits and pensions are paid out of a separate account called the general state charges category.

No layoffs in the nonjudicial workforce are envi- » Page 9



Chief Administrative Judge Lawrence Marks

hikes to begin on April 1 (NYLJ, Dec. 1).

OCA has proposed a pay scale that would restore and maintain parity between the salaries of Supreme Court justices and federal district court judges. That would entail a 16.7 percent raise in the coming year costing \$35.5 million.

Marks said in an interview it was a "virtual certainty" that the courts would ask for a supplemental appropriation to cover the entire pay increase if it is adopted. The commission must recommend a judicial salary increase by Dec. 31.

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### Off the Front

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sioned in the budget proposal, Marks said.

OCA said that, as of Wednesday, the courts had 14,491 nonjudicial employees. At a similar point in 2009, there were 16,287 nonjudicial employees.

Court officials said that while the spending plan would allow them to hire new employees in the most crucial areas outlined by Marks—court officers, clerks, interpreters and reporters—the number of employees hired will depend on where openings are created by attrition, how much money for new salaries is freed up by retirements and other factors.

"We are saying that this budget will allow us to maintain staffing levels where we need to maintain them," Marks said.

The courts recommended a 2.5 percent general fund spending increase for the current year, but that was reduced to 2 percent in the final budget approved by the Legislature and Gov. Andrew Cuomo (NYLJ, April 2).

While the Judiciary's budget proposal bears the name of Chief Judge Jonathan Lippman, it will be up to his successor to see its adoption through the Legislature in spring 2016. On Tuesday, Cuomo nominated Westchester County District Attorney Janet DiFiore to become the next chief judge (NYLJ, Dec. 2). Lippman is stepping down on Dec. 31 under

mandatory court retirement rules.

Cuomo's office did not respond to requests for comment on the judicial budget request.

Governors have usually reserved their comment until they file with the rest of the budgets with the Legislature late each January.

Cuomo generally praised the Judiciary's budget submission for the 2015-16 fiscal year, but said he thought the Judiciary could get its 2.5 percent increase in general fund spending down to 2 percent (NYLJ, Jan. 22).

The Judiciary committees in the Legislature also had no comment Wednesday on the courts' budget proposal.

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