

**JUDICIARY**  
**2015-2016 BUDGET REQUEST**  
**EXECUTIVE SUMMARY**

As a co-equal partner in government, the Judiciary has an obligation to do its part to address the fiscal challenges faced by the State while meeting its constitutional mandate and responsibility to ensure the fair and efficient adjudication of cases.

Over the past years, the Third Branch has demonstrated its willingness and ability to perform as a “team player” in governance, as well as a faithful steward of the public trust and interest, by rethinking every aspect of its operations, reorganizing and consolidating offices and programs that provide services to the courts and the public, eliminating or reducing programs that are not critical to the courts’ core mission, and cutting all but essential expenditures.

This ongoing, top-to-bottom review of court operations, coupled with an eye toward finding new and more effective and efficient ways to do what we must, is evident in the fact that since 2009, the Judiciary has absorbed nearly \$400 million in increased costs while its budgets have increased only \$27.5 million, or 1.5 percent, over the entire period.<sup>1</sup>

The Third Branch accomplished the difficult feat of meeting its increasing financial obligations, most of which were contractual, statutory or otherwise mandated and beyond its control, with what has essentially been a flat budget, through a strategic initiative centered on five core principles and objectives:

- Creating the Virtual Courthouse
- Maximizing Information Sharing: One Entry, Repeated Use
- Achieving Universal Access, Reduced Travel
- Pursuing Efficiency and Innovation
- Re-engineering the Court: Modern Automated Case Management

Using these principles as a guide, we are reducing costs, increasing efficiencies and improving processes, all toward the goal of finding better and more effective ways to serve the people of New York State.

### **Creating the Virtual Courthouse**

The Judiciary is striving to make our courts more accessible to everyone, everywhere.

- E-filing continues to expand, and improve court operations, while offering significant savings and convenience to the courts, County Clerks, attorneys and litigants.

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<sup>1</sup>In Fiscal Year 2009-2010, the cash available in the General Fund State Operations portion of the Judiciary budget, the section of the budget that supports core court operations, was \$1.786 billion. In the current fiscal year, the corresponding amount is \$1.814 billion, which represents an increase of \$27.5 million, or 1.5 percent, over a six-year period.

- A new, simple web-based automated program, implemented and operational this year in all 62 counties, is now assisting advocates to remotely prepare family offense petitions on behalf of domestic violence victims. This same technology will soon be used to help litigants prepare thousands of Family Court petitions without having to come to the courthouse, enhancing our service to self-represented litigants while significantly reducing the burdens on litigants and Family Court staff.
- We are piloting audio and video technology to provide remote assistance to self-represented litigants.
- Criminal history searches can now be ordered online, providing greater service to the public while streamlining the administration of this program, which annually collects more than \$102 million for the State Treasury.
- Emails and text messages are now being used to inform court users of court appearances and court closings. This service will soon be expanded to jurors.

### **Maximizing Information Sharing: One Entry, Repeated Use**

We are leveraging technology to eliminate the need to enter the same data multiple times within the courthouse or between the courts and our criminal and civil justice partners.

- We continue to work with a variety of agencies, at all levels of government, to improve the inter-agency transmission of data, and thereby improve efficiency and accuracy, while also reducing costs. For example, we have enhanced the automation and quality of the data collected by the court system and electronically transmitted to the Division of Criminal Justice Services (DCJS) and the FBI for the national firearms registry and implementation of the New York State SAFE Act. In addition, the New York City Family Court has an electronic warrant information exchange with the New York City Police Department.
- Through automation and information sharing with New York City criminal justice agencies, we have greatly enhanced the completeness and accuracy of disposition data sent to DCJS electronically, thus significantly improving the quality of “rap” sheets and assuring that those who are arrested but not prosecuted, or who have received favorable dispositions, have their records correctly recorded by DCJS.
- We aggressively seek ways to take full advantage of the State Comptroller’s new financial management system, toward the goals of streamlining and expediting the payment processes, eliminating paper transactions, and reducing the numbers of employees involved in each transaction.

### **Achieving Universal Access, Reduced Travel**

We are reducing travel costs and eliminating the need to keep multiple copies of the same records.

- Web-based training for Judges and court personnel has made our training program more accessible, while sharply reducing travel costs.

- An electronic records repository facilitates access to court records from anywhere in the courthouse or across the State and eliminates the need for paper records, thus reducing storage and retrieval expenses as well as the cost of creating microfiche records.
- Automation of the transfer of probation cases between counties makes the information accessible to multiple locations and saves courts the time and expense of printing, mailing, and storing multiple copies of case files for more than 10,000 probation transfer cases each year.
- Audio and video technology permits remote court appearances, when appropriate, to litigants, witnesses, caseworkers and attorneys. This service will also be extended to those who are infirm, elderly or live too far away to travel to the courthouse.

### **Pursuing Efficiency and Innovation**

Every process is continuously being reviewed and streamlined.

- A re-thinking and streamlining of administrative functions and transactions allowed us to reassign a number of Office of Court Administration employees to the trial courts.
- The deployment of Internet Protocol telephones, which operate over the court system's own data network, has sharply reduced our communication expenses by virtually eliminating monthly telephone charges.
- Regional centers for the scanning and printing of millions of juror qualification questionnaires and summonses save equipment costs and reduce the burden on local commissioners of jurors offices.
- An automated real-time system for tracking the efficiency of the arraignment process in New York City helps ensure compliance with legal time requirements.
- The close monitoring of juror utilization helps reduce expenditures for per diem juror fees and ensures that jurors are not called for service when it is unlikely they will be needed.
- We continue to encourage the use of online legal reference materials that are available under flat-rate agreements with legal publishers, rather than traditional, and expensive, print collections.
- Enhancements to the web-based Attorney for the Child voucher system improve controls and ensure the accuracy of billing and payments for this \$47 million a year program.

### **Re-engineering the Court: Modern Automated Case Management**

A modern automated case management system is the foundation of our ability to manage and to maintain accurate and timely information about the four million new cases filed in the New York courts each year.

- Over the past 10 years, we have installed modern case management software in our Family, Surrogate's and City (civil) courts. During the next few years, we will complete this work in our remaining courts - Supreme, County and City (criminal) courts - and in 2015 will replace our now outdated automated jury management system.

- The ongoing updating and enhancement of our various automated case management systems helps to improve efficiency and the accuracy of information, reduce the need for data entry by court staff, and eliminate the use of paper.
- We are introducing the capacity for judges and other judicial officers to produce orders directly from the case management system and then electronically sign these orders. This innovation will increase efficiency and permit direct electronic storage and transmission of court orders.

We are proud of these and our other initiatives and innovations. But we are also very aware of, and deeply troubled by, the price that the austere budgets of the past years have imposed.

The Judiciary's budgets from Fiscal Years 2009-2010 to 2013-2014 were, of necessity, attrition budgets. The only way for the court system to live within its means in the face of increased costs was to reduce the size of its workforce, and it did so.

Over those years, the court system's workforce was reduced by more than 2,000 employees. Despite the extraordinary efforts of our Judges and employees, service to the public inevitably suffered and citizens were undeniably, and regretfully, inconvenienced. The loss of back-office staff led to delays in processing court documents. In many courthouses, the loss of court officers and other courtroom staff caused delays in opening court parts. The 4:30 p.m. courtroom closing time, which was necessary to contain overtime expenses, prompted numerous complaints from members of the bar and the public.

Last year, the Judiciary requested and received a "road to recovery" budget with an increase designed not so much as to advance the operations of the Third Branch of government, but to prevent further erosion of public service. We had reached a point where the cutbacks threatened not only to further inconvenience our constituents, but to shortchange the public, which has a right to expect the full administration of justice. As a branch of government with constitutional responsibilities, we could not go there, and the budget increase we gratefully received last year allowed us to, in effect, tread water. At least, and at last, we were no longer sinking.

The budget for the 2014-2015 fiscal year was a step toward enabling the Judiciary to ameliorate the harmful impacts caused by the series of no-growth budgets that began in FY 2009-2010. For the first time in five years, the Judiciary budget was not premised on the reduction of our workforce. With a 2.5 percent increase (in addition to \$5 million for the 20 Family Court judgeships created effective January 1, 2015), we were able to replace employees as they left, ensuring that critically important operational positions in the courts were not left vacant. We were able to relax the 4:30 p.m. closing rule, address the delay in processing court documents, and otherwise mitigate the impact of reduced staffing on our service to the public.

In FY 2015-2016, the Judiciary will again face significant cost increases, including mandatory salary increases for represented non-judicial employees, and increases in the cost of contracts with local governments to provide court security in certain areas of the state. The Judiciary will also face the cost of the five Family Court judgeships created effective January 1, 2016, as well as the annualization of the cost of the 20 Family Court judgeships created effective January 1, 2015, and the cost of the City Court judgeships established pursuant to Chapter 548 of the Laws of 2013.

In order to meet these costs, without losing ground on our duty to maintain service to the public, it is again necessary for the Judiciary to seek an increase in its budget. This budget seeks cash funding of \$1.86 billion for General Fund State Operations, to support court operations. This request represents an increase of \$45.3 million, or 2.5 percent, over available current-year funds.

The requested budget will allow us to continue down the road to recovery. Under this budget, current staffing levels would be maintained, and a limited number of additional positions that are critical to operations would be filled. Our focus will be on back office and courtroom titles that are critical to providing service to the public, including clerks, court officers, interpreters and court reporters. Without this increase, we will have no choice but to again reduce our workforce. That loss of court staff would directly affect the quality of service that we provide to the people of New York and lead to increased delays in processing cases and, once again, shortened court sessions.

As a result of the Judiciary's various access-to-justice initiatives, more low-income New Yorkers are receiving civil legal services, more homeowners are receiving representation in mandatory settlement conferences, and fewer litigants appear in civil cases unrepresented. However, despite those improvements, far too many people still proceed without counsel in eviction, domestic violence, consumer debt, and other cases involving the essentials of life. The lack of representation in these cases imposes not only a profound human and social toll on the most vulnerable New Yorkers, but also significant additional burdens on our judges, including more and longer court appearances, when they hear cases in which a party is not represented. The result is delay and inefficiency, as well as increased costs, both to the court system and to represented parties.

Providing counsel to low-income New Yorkers in civil cases is a fundamental part of the mission of the Judiciary to ensure equal access to justice for all. To reflect the central role of civil legal services to the mission of the court system, funding for civil legal services, which had formerly been presented in Judiciary-Wide Maintenance Undistributed, is now included in the Courts of Original Jurisdiction Major Purpose. This budget also provides \$15 million in additional funding for civil legal services to help address the remaining needs of unrepresented litigants. These additional funds for civil legal services are also a sound investment: for every dollar invested in civil legal services, the State of New York receives more than six dollars in economic benefit resulting from reduced social services and other public expenses and increased inflow of federal benefits.

In sum, this budget request reflects a very thoughtful and very careful balancing of the Judiciary's obligation to be a faithful steward of public funds and the Judiciary's fundamental and independent duty to ensure that our Judges and non-judicial personnel have the resources necessary to provide timely and fair justice to every person who comes to our courthouses. We will continue to search for, and implement, better, more effective, and more cost-efficient ways to serve the public, and we are fully engaged in and committed to that goal, as an institution and a co-equal branch of government. This budget request simply reflects our best judgment as to the minimum funding needed to ensure that we have the resources necessary to fulfill our constitutional mission.

**Unified Court System  
2015-16 Budget Request  
All Funds Disbursement Requirements  
(Millions \$)**

<b>Category/Fund</b>	<b>2014-15 Planned</b>	<b>2015-16 Required</b>	<b>Change</b>
<b><u>Court &amp; Agency Operations</u></b>			
General Fund	1,813.8	1,859.1	45.3
Special Revenue - Federal	6.5	7.0	0.5
NYC County Clerks' Operations Offset Fund	24.1	23.2	(0.9)
Judiciary Data Processing Offset Fund	23.6	22.8	(0.8)
Miscellaneous Special Revenue Fund	24.8	24.8	0.0
Indigent Legal Services Fund	25.0	25.0	0.0
Court Facilities Incentive Aid Fund	1.8	1.9	0.1
<b>Court &amp; Agency Operations - All Funds Total</b>	<b>1,919.6</b>	<b>1,963.8</b>	<b>44.2</b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
	<b>12.6</b>	<b>10.7</b>	<b>(1.9)</b>
<b><u>Aid to Localities</u></b>			
General Fund	2.4	2.4	0.0
Court Facilities Incentive Aid Fund	104.2	104.2	0.0
<b>Aid to Localities - All Funds Total</b>	<b>106.6</b>	<b>106.6</b>	<b>0.0</b>
<b><u>Capital Projects</u></b>			
	<b>5.1</b>	<b>5.1</b>	<b>0.0</b>
<b>General Fund Total</b>	<b>1,816.2</b>	<b>1,861.5</b>	<b>45.3</b>
<b>All Funds Total</b>	<b>2,043.9</b>	<b>2,086.2</b>	<b>42.3</b>

**Unified Court System  
2015-16 Budget Request  
All Funds Appropriation Requirements  
Major Purpose by Fund Summary**

<b>State Operations</b>	<b>2014-15</b>	<b>2015-16</b>	
<b>General Fund</b>	<b><u>Available</u></b>	<b><u>Requested</u></b>	<b><u>Change</u></b>
Courts of Original Jurisdiction	\$1,531,347,549	\$1,570,505,218	\$39,157,669
Court of Appeals	\$14,839,110	\$15,286,324	\$447,214
Appellate Court Operations	\$74,391,608	\$79,334,638	\$4,943,030
Appellate Auxilliary Operations	\$183,327,620	\$186,774,075	\$3,446,455
Administration and General Support	\$17,975,271	\$18,172,736	\$197,465
<b>State Operations - General Fund Total</b>	<b>\$1,821,881,158</b>	<b>\$1,870,072,991</b>	<b>\$48,191,833</b>
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<b>State Operations - Special Revenue Funds - Federal</b>	<b>\$7,500,000</b>	<b>\$8,000,000</b>	<b>\$500,000</b>
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<b>Special Revenue Funds - Other</b>			
NYC County Clerks' Operations Offset Fund	\$24,214,696	\$23,297,481	(\$917,215)
Judiciary Data Processing Offset Fund	\$21,705,906	\$22,885,675	\$1,179,769
Miscellaneous Special Revenue Fund	\$1,000,000	\$1,000,000	\$0
Attorney Licensing Fund	\$23,805,345	\$23,870,011	\$64,666
Indigent Legal Services Fund	\$25,000,000	\$25,000,000	\$0
Court Facilities Incentive Aid Fund	\$1,767,030	\$1,741,683	(\$25,347)
Lawyers' Fund for Client Protection	\$12,756,663	\$10,782,613	(\$1,974,050)
<b>State Operations - Special Revenue Funds - Other</b>	<b>\$110,249,640</b>	<b>\$108,577,463</b>	<b>(\$1,672,177)</b>
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<b>State Operations - All Funds - Total</b>	<b>\$1,939,630,798</b>	<b>\$1,986,650,454</b>	<b>\$47,019,656</b>
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<b>Aid to Localities</b>			
General Fund	\$2,445,584	\$2,445,584	\$0
Court Facilities Incentive Aid	\$99,931,911	\$104,200,000	\$4,268,089
<b>Aid to Localities - All Funds Total</b>	<b>\$102,377,495</b>	<b>\$106,645,584</b>	<b>\$4,268,089</b>
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<b>Grand Total General Fund</b>	<b>\$1,824,326,742</b>	<b>\$1,872,518,575</b>	<b>\$48,191,833</b>
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<b>Grand Total All Funds</b>	<b>\$2,042,008,293</b>	<b>\$2,093,296,038</b>	<b>\$51,287,745</b>
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Note: Funding for Civil Legal Services, which had formerly been presented in Judiciary-Wide Maintenance Undistributed, is now included in the Courts of Original Jurisdiction Major Purpose, Contractual Services. The Judiciary-Wide Maintenance Undistributed Major Purpose has been eliminated from this budget request.

**Unified Court System  
2015-16 Budget Request  
All Funds Appropriation Requirements  
Major Purpose Summary by Fund Category**

	<u>2014-15 Available</u>	<u>2015-16 Required</u>	<u>Change</u>
<b>Courts of Original Jurisdiction</b>			
General Fund	\$1,531,347,549	\$1,570,505,218	\$39,157,669
Special Revenue Funds	\$56,037,655	\$56,881,993	\$844,338
<b>Total</b>	<b>\$1,587,385,204</b>	<b>\$1,627,387,211</b>	<b>\$40,002,007</b>
<b>Court of Appeals</b>			
General Fund	\$14,839,110	\$15,286,324	\$447,214
Special Revenue Funds	\$0	\$0	\$0
<b>Total</b>	<b>\$14,839,110</b>	<b>\$15,286,324</b>	<b>\$447,214</b>
<b>Appellate Court Operations</b>			
General Fund	\$74,391,608	\$79,334,638	\$4,943,030
Special Revenue Funds	\$0	\$0	\$0
<b>Total</b>	<b>\$74,391,608</b>	<b>\$79,334,638</b>	<b>\$4,943,030</b>
<b>Appellate Auxilliary Operations</b>			
General Fund	\$183,327,620	\$186,774,075	\$3,446,455
Special Revenue Funds	\$46,193,848	\$46,165,232	(\$28,616)
<b>Total</b>	<b>\$229,521,468</b>	<b>\$232,939,307</b>	<b>\$3,417,839</b>
<b>Administration &amp; General Support</b>			
General Fund	\$17,975,271	\$18,172,736	\$197,465
Special Revenue Funds	\$2,761,474	\$2,747,625	(\$13,849)
<b>Total</b>	<b>\$20,736,745</b>	<b>\$20,920,361</b>	<b>\$183,616</b>
<b>Lawyers' Fund for Client Protection</b>			
General Fund	\$0	\$0	\$0
Special Revenue Funds	\$12,756,663	\$10,782,613	(\$1,974,050)
<b>Total</b>	<b>\$12,756,663</b>	<b>\$10,782,613</b>	<b>(\$1,974,050)</b>
<b>Aid to Localities</b>			
General Fund	\$2,445,584	\$2,445,584	\$0
Special Revenue Funds	\$99,931,911	\$104,200,000	\$4,268,089
<b>Total</b>	<b>\$102,377,495</b>	<b>\$106,645,584</b>	<b>\$4,268,089</b>
<b>Total General Fund</b>	<b>\$1,824,326,742</b>	<b>\$1,872,518,575</b>	<b>\$48,191,833</b>
<b>Total Special Revenue Funds</b>	<b>\$217,681,551</b>	<b>\$220,777,463</b>	<b>\$3,095,912</b>
<b>Grand Total All Funds</b>	<b>\$2,042,008,293</b>	<b>\$2,093,296,038</b>	<b>\$51,287,745</b>

Note: Funding for Civil Legal Services, which had formerly been presented in Judiciary-Wide Maintenance Undistributed, is now included in the Courts of Original Jurisdiction Major Purpose, Contractual Services. The Judiciary-Wide Maintenance Undistributed Major Purpose has been eliminated from this budget request.



Fiscal Year 2015-16  
IOLA Support

Appropriation Requirements

	<u>2014-15</u> <u>Available</u>	<u>2015-16</u> <u>Requested</u>	<u>Change</u>
Aid to Localities General Fund - IOLA	\$15,000,000	\$15,000,000	\$0
<b><u>Aid to Localities - General Fund Total</u></b>	<b><u>\$15,000,000</u></b>	<b><u>\$15,000,000</u></b>	<b><u>\$0</u></b>

Disbursement Requirements  
(Million \$)

	<u>2014-15</u> <u>Planned</u>	<u>2015-16</u> <u>Required</u>	<u>Change</u>
Aid to Localities General Fund - IOLA	15.0	15.0	0.0
<b><u>Aid to Localities - General Fund Total</u></b>	<b><u>15.0</u></b>	<b><u>15.0</u></b>	<b><u>0.0</u></b>