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NYCLA Task Force Concludes Judicial Budget Cuts Have Raised the Price for Access to Justice

August 15, 2011 – New York, NY – The New York County Lawyers' Association (NYCLA) Task Force on Judicial Budget Cuts' Preliminary Report, approved by NYCLA's Executive Committee on August 11, has concluded that the \$170 million in budget cuts to the New York State Courts has raised the price for access to justice. The NYCLA Task Force – co-chaired by Hon. Stephen G. Crane (ret.) Justice, Appellate Division, Second Department, and former NYCLA President Michael Miller and comprising past and present NYCLA leaders, including members of the bench and bar – issued its report after conducting extensive interviews with court administrators, judges, supervisory and clerical staff and lawyers. Among those interviewed in preparation of the report were: Chief Administrative Judge Ann Pfau, Deputy Chief Administrative Judge for NYC Courts Fern Fisher; Administrative Director of the Office of Court Administration, Judge Lawrence K. Marks; Administrative Judge of the NYC Family Court, Edwina Richardson-Mendelson; Surrogates Kristin Booth Glen and Nora Anderson; and other jurists. The Preliminary Report presents the Task Force's initial findings and observations for the following courts: Appellate Division, 1st Department, and Appellate Term; Civil Court of the City of New York; Criminal Courts, both Supreme Court, Criminal Term, New York County, and New York City Criminal Court, New York County; Family Court; Supreme Court, Civil Term, New York County; and Surrogate's Court, New York County. It is expected that a preliminary report concerning budget cuts in the U.S. District Court for the Southern District of New York will be issued by the Task Force shortly.

According to NYCLA President Stewart D. Aaron, "In my inaugural remarks at NYCLA's Annual Meeting in May, I announced my plan to establish this Task Force. The NYCLA Board approved the Task Force in June and the work of the Task Force over the summer months has been exemplary. Its Preliminary Report is most timely and important." Task Force Co-Chairs Justice Crane and Mr. Miller acknowledged, "Though we are in the early stages of the work of the Task Force, our report documents in considerable detail that the consequences of the budget cuts imposed upon the court system are serious and widespread. The preliminary findings of our Task Force are very troubling and we will continue to monitor the impact of the judicial budget cuts on the administration of justice."

The report comes on the heels of an American Bar Association resolution, adopted on August 8, calling on "bar associations to document the impact of funding cutbacks" on the judiciary.

Highlights of the Preliminary Report

From drastic staffing reductions – 1,151 fewer employees as a result of layoffs, early-retirement programs and hiring freezes; reductions in the number of hours court facilities are open; a reduction or near elimination (depending on the court) of Judicial Hearing Officers (JHOs), who represent some of the most experienced people in the court system; the closing of childcare facilities in the Civil Court; the dramatic reduction in the Family Court's mediation program, which deals in matters such as the termination of parental rights; to deteriorated morale as staffing cuts and the hiring freeze take its toll – the report concludes that the effects of the "draconian cuts" will accrue over time. As the report states, "Historically, the summer is the slowest time of year. The expectation is that by the fall, we will be able to observe the impact of budget cuts more fully."

Courthouse Security

Not surprisingly, courthouse security is at risk as a result of the cuts. For example, recently, in the Civil Court, a fire alarm went off after hours and since the court no longer has 24-hour on-site security, the Fire Department was forced to break into the courthouse. “In the Criminal Courts,” the report maintained, “the reduction in staff has affected the number of officers providing security to the buildings and to the judges; judges have had their security details cut and security is no longer available to them either earlier or later in the day.”

Criminal Courts

Task Force members investigated the Criminal Courts and observed:

“The New York State Supreme Court, Criminal Term, New York County and the New York City Criminal Court, New York County have been subjected to less severe judicial budget cuts than their Civil Court counterparts because of the recognition that the Criminal Courts are constitutionally and statutorily mandated to ensure the rights of the accused and at the same time provide the public with the protections of the criminal justice system....However, all parties believe that the reduced personnel will inevitably cause increasing delays, and in the event of a surge in arrest numbers or some other emergency circumstance, the Criminal Courts will not have the resources to adequately react and administer justice.”

NYCLA’s Mission to Ensure Access to Justice for All

Since its founding more than 100 years ago, NYCLA’s mission has been to promote the public interest by: “advocating for a strong and independent judiciary” and “ensuring access to justice for all.” NYCLA’s Task Force intends to conduct a more in-depth and comprehensive investigation over the next several months, which will include a public hearing at NYCLA in the fall, so the long-term impact of the cuts can be more fully assessed.

The New York County Lawyers’ Association (www.nycla.org) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion or gender. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.

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