

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Tuesday, March 12, 2013 6:36 PM  
**To:** mallison@nysenate.gov  
**Cc:** latimer@nysenate.gov; ferris@nysenate.gov  
**Subject:** The Disgrace of the Senate's Blue Book as an "Aid" to the Democratic Minority  
**Attachments:** ex-b-blue-book.pdf

Dear Victor:

Below is a more revised draft of what I sent you earlier . The Legislature's other "color books" are no less disgraceful... All will benefit from Senator Latimer's leadership on this issue.

Elena

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### REVISED DRAFT

- **The "Blue Book"** of the Senate Democratic Conference and its Finance Committee staff, entitled "Staff Analysis of the 2013-14 Executive Budget" (Exhibit B), is prefaced by a January 23, 2013 coverletter of Senate Finance Committee Ranking Member Liz Krueger stating:

"The data and analyses prepared by Finance Committee staff and included in this document will provide insights into...the Executive Budget which can inform the difficult decisions the Senate faces." (Exhibit B-1a)

Its section on the Judiciary (Exhibit B-1b) presents a chart comparing the budgets this year and last, an italicized, six-sentence paragraph about the Judiciary, and two paragraphs totaling seven sentences about the Judiciary budget, whose passing mention of the judicial salary increase is without furnishing its percentage or dollar amount.

#### **The Chart Comparing the Budgets, This Year & Last**

The chart erroneously tallies the "Total All Funds" for both the "Executive Recommendation 2013-2014" and the "Adjusted Appropriation 2012-2013". The "Total All Funds" tally for 2013-2014 is not \$2,660,128,900. Simple addition gives a figure \$29,232,424 less, to wit, \$2,630,896,476. Likewise the "Total All Funds" tally for 2012-2013 is not \$2,639,583,337. Simple addition gives a figure \$99,850,000 less: \$2,539,633,337. Needless to say, the corresponding "Change" figure relative to these two tallies is comparably erroneous As for the "Percentage Change", it makes utterly no sense – on its face.

The problem, however, goes beyond simple addition. The chart is incomprehensibly erroneous and incomplete as to the figures comprising the "Total Operating Funds". This is evident from comparison to the Judiciary's "All Funds Appropriation Requirements Major Purpose by Fund Summary" (Exhibit B-2a).

Starting with the "General Fund", the Judiciary's "Summary" for 2013-14 is \$1,753,915.368. The chart figure is an inconsistent \$1,756,360,952. The figure in the

Judiciary’s “Summary” for 2012-13 is \$1,754,127,381. The chart figure is an inconsistent \$1,756,572,965.

The “Special Revenue-Fed” is consistent with the Judiciary’s “Summary”: \$9,000,000 for 2013-14. \$10,500,000 for 2012-13.

As for “Special Revenue-Other”, the Judiciary’s “Summary” for 2013-14 is \$107,943,006. The chart figure is an inconsistent \$204,874,917. The figure in the Judiciary’s “Summary” for 2012-13 is \$105,722,594. The chart figure is an inconsistent \$204,921,050.

The chart then goes directly to a tally for “Total Operating Funds” – which makes no sense because such total, as reflected by the Judiciary’s “Summary”, includes “Aid to Localities”, which the chart omits. Nevertheless, the chart’s “Total Operating Funds” figure for 2012-13 is \$1,971,994,015 – the same as the “Grand Total All Funds” figure in the Judiciary’s “Summary” – which had included “Aid to Localities. As for the chart’s “Total Operating Funds” figure for 2013-14, it is identical to the Judiciary’s figure in its “Summary of “Grand Total All Funds”, except that the chart transposes the last two digits of the Judiciary’s tally for 2013-14 so that instead of \$1,973,235,869, the chart has \$1,973,235,896.

### **Italicized Paragraph**

The six sentences of the italicized paragraph about the Judiciary are exported from the first two paragraphs of the “Introduction” to the Judiciary’s “2013-14 Budget Request” (Exhibit B-2b), largely *verbatim*, except for the single sentence that reads: “Pursuant to the Unified Court Budget Act, the cost of operating the UCS, excluding town and village courts, is borne by he that State”.

### **Two Paragraphs about the Judiciary Budget**

The seven sentences that follow, ostensibly about the Judiciary budget, are all taken uncritically from the “Executive Summary” of the Judiciary budget (Exhibit B-2c). Only the first two of these seven sentences contain any figures. They read:

“The Judiciary’s General Fund Operating Budget request is \$1.75 billion. The request is a decrease of \$212,013 from the current fiscal year budget, a reduction of .012%”

These sentences parrot back, *verbatim*, the first two sentences in the third paragraph of the Judiciary’s so-called “2013-2014 Budget Request Executive Summary” – and conceal what is the chart makes evident: that the “General Fund Operating Budget” is not the full budget – and that the full budget, according to the chart, is \$2,660,128,900, which, according to the chart, is a 78% increase.

As for the third sentence, which follows the second without a separating a period, it states:

“This is the second negative budget request in two years that is being presented in the face of a number of cost increases, including the second phase of the judicial salary increase, and contractually-required increments for eligible non-judicial employees.”

This replicates, largely *verbatim*, the third sentence of the third paragraph of the “Executive Summary” – and, like it, creates a false inference that “the second phase of the judicial salary increase” are, like “contractually-required increments for eligible non-judicial employees”, beyond the Legislature to prevent.

Of the remaining four sentences, all derive from the “Executive Summary”, including the fifth sentence, which is transformed into something ungrammatical and confusing, including by the addition of the clause “many of whom are required by law to maintain open courtrooms, which makes absolutely no sense. It reads:

“Since the vast majority of the Judiciary budget supports personnel, many of whom are required by law to maintain open courtrooms, the Early Retirement Incentive, a hiring freeze and targeted layoffs, the non-judicial workforce of the court system has been reduced by almost ten percent to a level that is below the staffing levels of a decade ago despite an increased workload.”

As for the district attorney salary increases, the “Blue Book” makes no mention of their tie to judicial salary increases in its section on the Division of Criminal Justice Services, which states:

“An additional \$350,000 is provided to fully fund statutory increases to district attorney salaries.” (Exhibit B-1c).