

# CENTER for JUDICIAL ACCOUNTABILITY, INC.\*

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June 11, 2013

Shawn Kerby, Records Access Officer & Assistant Deputy Counsel  
Office of Court Administration  
25 Beaver Street, 11<sup>th</sup> Floor  
New York, New York 10004

RE: The Judiciary's "proposal to establish a mechanism for regular review of judicial salaries", referred to in the Executive Summary of its 2009-2010 Budget Request

Dear Ms. Kerby:

Pursuant to FOIL and §124 of the Rules of the Chief Administrator, this is to request inspection of all records pertaining to the "proposal to establish a mechanism for the regular review of judicial salaries", referred to in the Executive Summary of the Judiciary's 2009-2010 Budget Request as having been "submitted" by the Judiciary. This would include all records relating to the Judiciary's submitting it to the executive and legislative branches and subsequent correspondence with respect thereto.

For your convenience, the pertinent third page of the Executive Summary of the Judiciary's 2009-2010 Budget Request is enclosed, as are the preceding two pages.

Pursuant to §124.6 of the Chief Administrator's Rules and Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request.

To expedite our receipt of same, kindly e-mail me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.

Yours for a quality judiciary,



ELENA SASSOWER, Director  
Center for Judicial Accountability, Inc. (CJA)

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\* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

**JUDICIARY**  
**2009-2010 BUDGET REQUEST**  
**EXECUTIVE SUMMARY**

In preparing this budget request, the Judiciary has been mindful of the extraordinary events unfolding in the broader economy and of their impact on the State's fiscal health. The Judiciary is committed to working with the Executive and Legislative Branches to address the grave situation facing New York State government. At the same time the Judiciary must continue to fulfill its constitutional duties, especially now, as the economic downturn itself brings more and more New Yorkers into the courts.

The Judiciary's fiscal year 2009-2010 budget request seeks to balance these competing obligations. It is an austere request that provides the minimum resources essential to meeting the Judiciary's core mission. The General Fund State Operations and Aid to Localities portion of the request totals \$2.27 billion. This represents no increase over the current year. The Judiciary's All Funds budget request totals \$2.5 billion, an increase of just \$2.3 million, or one-tenth of one percent over the current year appropriation. This small increase comes not from the General Fund but from fees paid by attorneys and others who utilize court services.

The Judiciary's zero-growth General Fund budget request will require that the Judiciary continue the spending controls instituted earlier this year in response to the State's worsening fiscal condition. Because so much of the Judiciary budget is for personnel-related expenses, meaningful spending controls must focus there. For this reason, the centerpiece of the Judiciary's spending control program is a freeze on filling administrative vacancies and a strict review of vacancies in court operational positions. The Judiciary has also imposed restrictions on travel and purchases, and will continue to rely on technology, including expanded use of video-conferencing, remote court appearances, and electronic filing, to make court operations more efficient and cost-effective.

The Judiciary submits this austere budget request at a time when the courts' workload continues at record levels, with more than four million new cases having been filed in both 2006 and 2007.

It is expected that the economic downturn will bring additional work to the courts. Like court systems around the nation, New York's courts are experiencing a surge in residential mortgage foreclosure filings. In some counties, filings have risen more than 200% in the past few years. In response, the Judiciary announced a program to facilitate settlement of these cases and to ensure that homeowners are aware of available legal services and mortgage counselors. To date, over 25,000 notices have been sent to homeowners informing them of available services and inviting them to attend an early court conference to explore settlement possibilities. These early settlement conferences, which in many counties across the State will be held in dedicated parts presided over by specially-trained referees and staff, will soon be mandatory under recently-enacted legislation (chapter 472 of the Laws of 2008).

Other areas in which the courts anticipate increased filings include consumer debt, evictions, and family-related matters. The Judiciary is closely monitoring caseload trends in these and other areas, and is preparing to handle increased filings by shifting existing resources and implementing targeted programs, such as our mortgage foreclosure program, to more effectively manage and resolve particular case types. The needs of self-represented litigants are receiving special attention, as they comprise a large percentage of the litigants in housing, consumer debt and other case types that are particularly affected by the broader economic conditions.

The Family Court caseload continues its steady growth, particularly in the areas of child protection, custody and visitation, and child support. The increase in child protective proceedings has been dramatic, with neglect cases in New York City doubling over the past five years, and abuse cases increasing by more than 35% over that period. The Judiciary has initiated a new collaboration, bringing together foster care agencies, counsel for parents and children, and various city and state government agencies, to develop a comprehensive plan for improving how these cases are handled and resolved, with continuous trials, and fewer and shorter adjournments, toward the goal of speeding permanent placement.

The courts are also beginning to see a new category of filings pursuant to chapter 326 of the Laws of 2008, which authorized family and criminal courts to issue orders of protection to persons involved in an "intimate relationship," enabling domestic violence victims who are not married or related to their abusers, such as dating partners and unmarried couples, to seek civil orders of protection. Since it took effect in July 2008, this legislation has resulted in a 12% increase in family offense matters Statewide, including a 16% increase in the New York City Family Court. As appropriate, based on local needs, Family Courts are responding to this increased workload by shifting existing resources and implementing new procedures, including the creation of dedicated parts for family offense cases in those counties with a large number of such new filings.

Family and Supreme Courts are also preparing to implement chapter 595 of the Laws of 2008, which, effective January 23, 2009, requires that prior to issuing a temporary, permanent or successive custody or visitation order, the court review various databases for information, including the statewide domestic violence registry, the sex offender registry, and the court system's family court case management system for "related decisions" in child abuse and neglect proceedings. Within the parameters of the zero-growth budget, the Judiciary is preparing to absorb this work with existing resources using technology changes to expedite the searches.

The Judiciary's proposed budget continues funding to implement the Action Plan for the Justice Courts. The local Town and Village Courts, which each year handle more than two million cases, including arraignment of serious felonies, trials of other crimes, and a broad range of civil matters, have historically operated with limited support and assistance from the State Judiciary. Recognizing the critical role of these courts in the State's overall justice system, the Action Plan set forth a range of State Judiciary initiatives to support these locally-administered courts and ensure that they are equipped to fulfill their important duties. In the two years since its release in November 2006, the Action Plan has improved the Justice Courts in concrete ways that can be felt by the justices who serve in these courts as well as the public they serve. Key achievements include expansion and strengthening of training for local justices, enhanced automation support, acceptance of credit card

payments of fees and fines, and the requirement, for the first time, that Justice Court proceedings be on the record.

While the function of the Judiciary is to adjudicate cases rather than generate funds for the State, the courts do in fact collect significant revenues. In fiscal year 2007-2008, the courts collected more than \$102 million in various administrative fees, principally attorney registration fees, bar examination fees and charges for criminal history searches. These fees fund a very small part of court operations, as well as a variety of criminal justice initiatives, including indigent defense, civil legal services, and the Lawyers' Fund for Client Protection. The Judiciary also collected nearly \$230 million in court filing fees during fiscal 2007-2008, \$155 million of which was credited to the State's General Fund and \$75 million of which funded an aid to localities program. In addition, the courts collected more than \$228 million in fines and surcharges, \$43 million of which went to the State and \$186 million was remitted to local governments. (In addition to these revenues collected by the state-paid courts, more than \$215 million in additional fines and surcharges are collected by the local Town and Village Courts.) The Judiciary is implementing new procedures to enhance collection of fines and surcharges imposed to ensure that the State and its localities receive the funds to which they are entitled.

The recently announced Green Justice initiative represents another effort by the Judiciary to carefully manage its resources. The primary focus of Green Justice is reducing the environmental impact of the judicial system, through such measures as a greater reliance on electronic filing, video appearances and conferences, remote learning, and acceptance of online credit card payments for fees and fines. Experience has shown that environmental responsibility and economic responsibility go hand in hand, and Green Justice will therefore not only lighten the court system's environmental footprint, but also enhance the efficiency of court operations and the prudent use of limited resources.

Finally, it is once again necessary to address the need for a salary increase for the judges of the Unified Court System. Within two months it will be the tenth anniversary of the last cost-of-living adjustment received by New York's judges. The Judiciary budget bill includes language that would raise judicial compensation in New York, retroactive to April 1, 2005, and the budget provides for appropriate funding. Equally important is reform of the way in which the salaries of judges are set. New York State needs an open and accountable process for adjusting salaries of its judges on a regular basis. The Judiciary has submitted a proposal to establish a mechanism for the regular review of judicial salaries and will continue to urge enactment of this much-needed reform. \*

This budget reflects the Judiciary's commitment to working with the Executive and Legislative branches to address the grave challenges facing the State. The budget is the product of difficult choices that were made to fulfill that commitment while also meeting the Judiciary's constitutional obligations.