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February 4, 2016

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

RE: FOIL/Records Request: The Judiciary's agreed-to, if not proposed, reductions to its budget request for fiscal year 2015-2016

Dear Records Access Officer Kerby,

The Executive Summary to the Judiciary's budget request for fiscal year 2016-2017 does not identify any reductions made to its budget request for fiscal year 2015-2016 to bring it closer to, or within, the state's 2% cap on increases. Indeed, the Executive Summary gives the impression that there were no reductions.¹

Yet, comparison between the enacted Legislative/Judiciary budget bill for fiscal year 2015-2016, #S.2001-a/A.3001-a, and the original, unamended Legislative/Judiciary budget bill, #S.2001/A.3001, reveals approximately \$9 million in cuts to the Judiciary budget, seemingly taken from "nonpersonal service" of courts of original jurisdiction.

¹ As illustrative,

"...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 by not refilling position as employees left service. For example, 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.

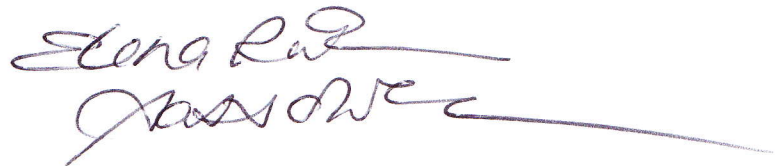
The budgets for Fiscal Years 2014-2015 and 2015-2016 provided increases to offset some new costs, so that our fiscal plan was not premised on the need to reduce our workforce. For the first time in years, we were able to maintain the size of our workforce, and, in fact, to add a limited number of operationally critical positions, allowing us to ameliorate some of the harm of the years of attrition-based budgets." (Executive Summary, at p. v, underlining added).

Presumably these and any other decreases and changes reflect modifications that were acceptable to the Judiciary, if not proposed by it – and that the Judiciary put in writing and transmitted to the Legislature, before the Legislature incorporated them in the amended bill.

Pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request inspection and/or copies of such documents – and any others giving specifics as to what was reduced and modified with respect to the Judiciary's budget for fiscal year 2015-2016.

§124.6 of the Chief Administrator's Rules and Public Officers Law §89.3 requires your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in dark ink, appearing to read "Elena R. Kerby". The signature is written in a cursive style with a long horizontal flourish extending to the right.