



Testimony

Public Hearings on the Executive Budget before the Joint Fiscal Committees of
the Senate and Assembly Public Protection

2019

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On behalf of Modern Courts, I want to thank the Joint Legislative Committees for providing our organization with the opportunity to submit testimony.

The Fund for Modern Courts is an independent nonpartisan statewide court reform organization committed to improving the court system for all New Yorkers. Modern Courts supports a judiciary that provides for the fair administration of justice, equal access to the courts, and that is independent, highly qualified and diverse. By research, public outreach, court monitoring, education and advocacy efforts, Modern Courts seeks to advance these goals and to ensure that the public confidence in the judiciary remains strong.

JUDICIARY BUDGET

Modern Courts requests that with your leadership, the Judiciary in New York be provided with the budget that will allow it to meet its constitutional mandate and provide the public, which depends on the courts to resolve innumerable issues that can be resolved nowhere else, full access to justice. Modern Courts fully supports the budget as submitted by the Judiciary so the courts in New York will have the ability to provide full, fair and timely adjudication of matters brought to it by the people of this state who have no other recourse and deserve to have these matters resolved under the rule of law as guaranteed by our constitution, while remaining committed to fiscal responsibility. The budget builds on the Chief Judge's Excellence Initiative which will enable the Judiciary to continue to make the progress that it has been making over the last several years to address backlogs and delays, and ensures efficiency in the court system by the important inclusion of funding for technological infrastructure improvements and staff additions.

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In addition, continued funding for civil legal services, implementation of Raise the Age legislation and language access enhancements are essential for the fair administration of justice throughout New York State.

CIVIL LEGAL SERVICES

Modern Courts also would like to thank you for your continued support for funding civil legal services funding to ensure access to justice for New Yorkers in crisis without sufficient resources to hire a lawyer. That need continues to exist. Notwithstanding the significant work of legal service providers throughout the State, there remains a substantial justice gap for low-income New Yorkers. The funding thus far has increased the ability to serve those New Yorker's who are in danger of the impact of crises, whether in housing, family matters, access to healthcare and education and subsistence income but the provision of more funding this year will work toward closing the justice gap. Modern Courts strongly supports the inclusion of funding for civil legal services in the Judiciary budget.

For Modern Courts, the poorest citizens, who at times of economic stress have the greatest needs must rely on continued access to critical services. For Modern Courts, this is a matter of simple justice. We ask that you continue to support the funding for civil legal services and the providers who service every county in this state, and can provide families, children, individuals with the legal representation needed.

RAISE THE AGE

As members of the Raise the Age-NY Campaign, we joined with organizations across the state in working for the passage of this historic legislation and we want to thank the Legislature

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for its extraordinary efforts on making the Raise the Age legislation a reality in New York State.

We support the Executive Budget proposal to increase State support for local implementation of Raise the Age legislation to \$200 million, which provides essential funding for a continuum of services, including prevention, diversion, and treatment to help keep youth in their communities as the law's application expands from sixteen-year-olds to include seventeen-year-olds later this year. These investments will make this reform a reality for youth and families and call upon the Legislature to provide a durable funding stream to sustain the reforms in all our communities.

IMPROVED TECHNOLOGY

Modern Courts supports the \$24 million requested for capital appropriations that would be used to modernize the judiciary's computer network and provide 21st century technology to judges and staff; for automation, security, including enhanced security equipment at courts; and records management, including converting paper records into a digital format.

INCREASED PERSONNEL SUPPORT

Modern Courts also supports the judiciary budget proposal for additional employees within the state court system, including more court reporters and court officers. A new class of more than 200 court officers will start at the state's new training academy in Brooklyn next month, which means they will be ready to work in the state's courts later this year. We support the budget increase for additional personnel for the Court of Appeals and the state's other appellate courts. We note that much of the Judiciary's request is needed to permit the Office of Court Administration

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to continue to replace court employees who left court service as a result of the significant budget cuts of 2011 and continue to leave court service through normal attrition. But even with the requested budget for additional court personnel, staff levels are lower today than in 2011.

OFF-HOURS ARRAIGNMENT PARTS

Modern Courts supports the court system's continued development and expansion of centralized off-hours arraignment parts throughout the State, initiating such parts in the counties of Washington, Onondaga, Oneida, Broome, Ontario, Livingston, Seneca, Yates, and Warren last year. These centralized parts enable law enforcement to bring a defendant, regardless of where in a county he or she is arrested, to court expeditiously for arraignment, maximizing the effective use of the limited number of lawyers available in many communities to provide legal representation for all criminal defendants at their arraignments and allowing District Attorney offices to represent the People at those arraignments.

JUDICIAL CONDUCT COMMISSION

The Commission on Judicial Conduct is an independent agency of state government, created in the NYS Constitution to enforce judicial ethics by investigating and disciplining judges for misconduct. For the 8th time in 9 years, the Executive Budget recommends a zero increase to the budget of the Judicial Conduct Commission. This virtually "flat" funding has resulted in a 24% reduction in staff (from 50 to 38 full-time employees), while complaints are at an all-time high (around 2,000 a year). Meanwhile, the backlog of pending matters increases, meaning both disciplines and exonerations take longer to render. The Commission has asked for an increase of \$359,000 to its budget of \$5.7 million, which Modern Courts supports. The

important role of the Commission in judicial accountability and ethics enforcement should not be
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undermined by staff or resource shortage. We support the Judicial Conduct Commission in its request for an increase in its budget so that it can ensure that the ethical standards required by judges of this state are met.

Language Access

Modern Courts applauds the Judiciary for continuing its commitment, through this budget, to ensure that all persons may seek justice in New York's courts despite limited or no English proficiency. The Judiciary's expansion of interpretive services, remote video interpreters, the use of bilingual orders of protection, the translation of documents and information, including DIY forms, and the commencement of a "plain language" initiative are essential to the concept of providing justice for all New Yorkers.

Expanding Electronic Filing

Finally, Modern Courts would like to note and commend the Judiciary for its expansion of electronic filing throughout the State. The convenience and cost savings attributable to this program are incalculable.

Respectfully Submitted,

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