



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

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Chair  
The Fund for Modern Courts

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

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.

The Fund for Modern Courts supports the budget submitted by the Judiciary. We have learned through our Court Monitoring programs in Family Courts in various parts of this state, our Task Force on Family Court and the involvement of our members in the Chief Judge's Task to Expand Legal Services in New York, that the resources needed to afford full and fair justice to all people, and especially the most vulnerable are essential to meet New York's longstanding commitment to justice. We ask this Legislature to accept the Judiciary budget as proposed, so the courts in New York will have the ability to provide full, fair and timely adjudication of proceedings within the constraints of these continuing difficult economic times.

The Judiciary's budget request offers the appropriate balance by ensuring that it meet its constitutional duty to ensure access to justice for all New Yorkers while maintaining reasonable and rational costs. We note, however, that as a result of ongoing financial pressure, this budget includes cuts to programs Modern Courts has long supported, including CASA (court appointed special advocates), the children's centers and community-based mediation programs. The restrictive nature of the budget allowances has already had its impact on the courts.

To reduce this budget any further would do great harm to the courts; this is would be especially true for the Family Courts in New York. Even with the best efforts of judges and non-judicial personnel, and the dedication of advocates representing litigants in Family Court, limited resources have resulted in extraordinary delays preventing proper and timely resolution of issues facing the people who need the justice system to protect them from harm. This issue cannot be ignored. The problems of Family Court include huge dockets; lack of sufficient Family Court judgeships commensurate with dockets; unmanageable court calendars; frequent adjournments causing disruption in court proceedings and the effectiveness of judges' orders; the lack of legal representation for many individuals which causes ineffective advocacy; and the paucity, in many courts throughout the state, of information about how the system works or the provision of support for the parties when they first enter the courtroom resulting in more work for overburdened judges and court personnel.

Modern Courts is confident that this Legislature would not do what has been done in other states – the unreasonable reduction of judicial budgets - because of New York’s long-standing commitment to a sound Judiciary. It cannot be stressed enough that any more erosion of the court system will be detrimental to the health of our State.

### **Access to Justice**

Modern Courts strongly supports the inclusion of funding for civil legal services in the Judiciary budget. The Report by the Task Force on Civil Legal Services provides a thoroughly researched and documented basis for providing civil legal services funding for the poor. Again, serving justice should be at the forefront of our perspective, and the question we all must ask is how do we provide the best justice for the people who are facing a loss of the essentials of life while also providing fiscally sound policy for the state.

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 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.

### **Conclusion**

Modern Courts requests that with your leadership, the Judiciary in New York will remain sound; because the alternative has consequences that reach way beyond the halls of the court rooms.

Thank you.

Respectfully Submitted,

Milton L. Williams, Jr.

Chair