

Committee for Modern Courts  
Testimony  
Public Hearings on the Executive Budget  
before the  
Joint Fiscal Committees of the  
NYS Senate and Assembly  
Public Protection  
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My name is Denise Kronstadt, Executive Director of the Committee for Modern Courts. Modern Courts is an independent nonpartisan statewide court reform organization committed to improving the court system for all New Yorkers. We support an independent, highly qualified, and diverse judiciary that provides for the fair administration of justice and equal access to justice for all who use the courts to resolve their legal disputes. Through research, public outreach, court monitoring, education and advocacy efforts, Modern Courts seeks to advance these goals and to ensure public confidence in the judiciary.

On behalf of Modern Courts, thank you for providing us with the opportunity to submit this testimony:

- Supporting the Unified Court System's (UCS) budget request for FY 2025;
- Supporting the Resolution to lift the Cap on the number of Supreme Court justices; and,
- Calling for both houses of the Legislature to support the audio-visual coverage of judicial proceedings in this year's budget in order to ensure the broadest and most robust transparency in our legal system.

### **Judiciary Budget**

Modern Courts supports the Judiciary's FY 2025 Budget Request of \$2.7 billion. While this is an increase of 7.2% from Enacted FY 2024 funding, it represents an essential investment in the core operations and obligations of our courts and system of

justice. This budget request will enable the courts to fulfill their mission to deliver justice in a manner that reflects the full measure of New York's commitment to an effective judicial system and ensuring access to justice for all New York residents.

Modern Courts supports the full budget request made by the Judiciary. Below we speak to a few of the requests.

### **Family Courts**

In February 2023, Modern Courts issued a report jointly with the New York City Bar Association entitled [The Impact of COVID-19 on the New York City Family Court: Recommendations on Improving Access to Justice for All Litigants](#). This report shed light on the crisis in the Family Court; it documented and analyzed steps that were taken (or not taken) during the pandemic in order to ensure access to justice; and it made recommendations for meaningful reform based on lessons learned from that experience.

In addition, our Board Chair, William C. Silverman, served as co-chair of the Hearings Committee of the Pandemic Practices Working Group. The Working Group was an initiative of The Commission to Reimagine the Future of New York's Courts, which was formed in June 2020 to study and make recommendations to improve the delivery and quality of justice services, facilitate access to justice, and better equip the New York Courts to keep pace with society's rapidly evolving changes and challenges. The [report](#) of the Working Group provided significant recommendations for to improve the operations and outcomes of Family Court.

The FY 2025 budget request by the Judiciary seeks to address many of the extraordinary obstacles litigants face in our Family Courts. These obstacles have unfortunately marked the Court's history. They were highlighted by the pandemic, and were the focus of the in the above reports, as well as being examined during public hearings held in the Fall of 2023 by the Senate Standing Committee on Judiciary and Senate Standing Committee on Children and Families.

What distinguishes the Family Court is that most of the litigants are not represented by counsel. Many unrepresented litigants have difficulty navigating the court system and getting information about their cases. This is especially problematic given the long delays resulting from the substantial backlog of cases now facing the Family Court. This proposed Judiciary budget will enable the Family Court to adopt NYSCEF, the electronic filing system used in much of the New York State Court system, the fullest extent permitted by law, with appropriate support for unrepresented litigants. It will also provide the public with regular statistical reporting on all Family Court proceedings; build an effective, user-friendly website (including mobile website) that comprehensively informs the public of current court operations and provides guidance to unrepresented litigants; enable litigants without access to adequate technology to participate in remote proceedings by providing such access to them; adopt a communications strategy to ensure litigants and attorneys are kept up to date on the status of their cases and of Court operations generally; provide enhanced training for jurists in case management strategies and techniques; assess the Court's needs with respect to remote proceedings to ensure that it purchases and utilizes up-to-date

technology best suited for courtroom protocols, and provide sufficient user training and support; move judges, staff, and other resources from other trial courts as necessary and appropriate to tackle backlogs and delays; and enact uniform procedural rules.

### **Increase the Number of Judges in Family Court and Housing Courts**

The Unified Court System's FY 2025 budget includes an allocation for more Family Court and Housing Court judges, as well as personnel to support the efficient functioning of these exceedingly busy and important courts. Modern Courts has long supported the proper allocation of resources to these courts. An increased number of judges will expand the time that judges have available to devote attention to individuals, children, and families in pressing need of attentive judicial response to the legal challenges they face.

### **Judicial Salary Increases**

Modern Courts supports the recommendation by the Commission on Legislative, Judicial & Executive Compensation to increase judicial salaries. Judicial compensation reflects the importance we attribute to the essential work carried out by our judges. A well-funded judiciary serves as the cornerstone of a democratic society, and the effectiveness of the justice system relies heavily on the quality of our judges. It is crucial that we attract the most skilled and committed individuals to serve in judicial roles. Moreover, increasing judicial salaries will broaden the diversity of the New York court system by making it financially attractive for lawyers from our many communities to enter the judiciary.

## **Amend the NYS Constitution to Repeal the Cap on the Number of Supreme Court Justices**

Modern Courts supports this resolution contained with the Executive Budget and introduced by Senator Hoylman and Assemblymember Bores (A.5366/S5414). New York State's Supreme Court is the statewide trial court of unlimited original jurisdiction that hears cases outside the authority of the lower courts, including felony prosecutions, civil matters that exceed the monetary limits of lower court jurisdiction, cases challenging the actions of state and local government officials, divorce, separation, and annulment proceedings.

The Constitution provides for the total number of justices of the Supreme Court in each judicial district, and the ability of the Legislature to increase the number of Supreme Court justices in any judicial district is limited by a provision which dictates that "the number [of justices] in any district shall not be increased to exceed one justice for fifty thousand, or fraction over thirty thousand, of the population thereof as shown by the last federal census or state enumeration." NYS Constitution, Article VI, §6.d.

This population-based formula restricting the number of Supreme Court justices significantly undermines the court system's ability to deal with New York's large and complex case load.

### **Civil Legal Services**

Modern Courts supports the continued funding of civil legal services. These

programs are essential to ensure access to justice for New Yorkers in crisis, but who lack sufficient resources to hire a lawyer. For Modern Courts, this is a matter of simple justice that affects the safety and security of families and children. We ask that you support the Judiciary's request for funding for civil legal services and the providers who provide critically needed legal representation in every county.

### **Audio-Visual Coverage of Judicial Proceedings**

We urge both houses of the Legislature to update the draconian and inflexible rules, relics of the 1950s, that prohibit audio-visual coverage of court proceedings. The law that closes the courts to coverage (and makes broadcasts a misdemeanor), Section 52 of the Civil Rights Law, was adopted out of concern that coverage would degrade the judicial process and create misconceptions by the public. As a result of that long-outdated fear, all trial court proceedings are hidden from the public. Times have changed. Recent televised trials in other states, including *Minnesota v. Chauvin* (relating to the death of George Floyd), *State v. McMichael* (relating to the death of Ahmaud Arbery), and *State v. Rittenhouse*, have enhanced democracy by enabling the public to observe the reality of the courts in carrying out their most important function and generated important public awareness of the judicial system.”

As our report, [Cameras in the Courts: Enhancing Transparency in the New York State Judiciary](#), established, and as every other state in the USA except Louisiana and New York understand, audio-visual coverage of court proceedings informs, educates, and engages citizenry by providing access to unfiltered information. Audio-

visual coverage of New York's courts will create a greater understanding of how our system works. Snippets of information are not enough. And misinformation is dangerous. It is past time for New York to enter the twenty-first century and permit audio-visual coverage of judicial proceedings. A vibrant democracy requires an informed, educated, and engaged citizenry.

Respectfully Submitted,

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