

Testimony Submitted by
Michael P. Friedman, Esq.
To the Joint Legislative Public Hearing on
Public Protection
The 2015-2016 Judiciary Budget

Michael P. Friedman
53 East Claremont Drive
Voorheesville, NY 12186
(518)225-7636
mfriedman@fmpclegal.com

The \$2.5 Billion Judiciary Budget

“This budget request simply reflects our best judgment as to the minimum funding needed to ensure that we have the resources necessary to fulfill our constitutional mission.” Hon. A. Gail Prudenti, Chief administrative Judge, Unified Court System Budget 2015-2016.

“A billion here, a billion there, and pretty soon you're talking about real money.” Everett Dirksen, United States Senator 1951-1969.

The New York State Judiciary is the fastest growing, most expensive bureaucracy in the state. It is by far the most expensive judiciary per citizen in the United States, and every year it pleads and receives astounding amounts of taxpayer money for no reason. In the face of ever declining business, it pleads poverty. The Legislature and the Governor generally respond with more and more money that is used for functions that have nothing to do with operating the court system.

Here are the facts. In 1998 the court system handled 4,671,265 cases. The budget was \$952.2 million. Every year since then the filings have declined. In 2013 it was 3,953,987, a decline of over 15%. On December 1, 2014 the court system published its proposed budget for 2015. It wants \$2.5 Billion, over two and a half times what it used to handle 15% more cases in 1998.

The Chief Administrator of the court system is Judge A. Gail Prudenti. She calls this budget “austere.” She claims that the court system has reached a point “beyond which the Judiciary cannot be pushed if it is still to play a role in our constitutional system.” Like last year, Judge Prudenti calls this a “road to recovery” budget. The court system pleads for money this way every year, but it has no basis in reality.

Just to put this in perspective, the State of Florida recently surpassed New York State in population. They run their court system on \$501 million, about 20% of our court system's budget. The United States Federal Judiciary budget for 2015 is a just over \$7.6 billion and they service every United States citizen. California spends \$94 per citizen on its judicial budget. New York spends \$297 per citizen.

Just how much is \$2.5 billion, the request this year? That is more than the gross domestic production of Aruba.

Chief Administrative Judge Prudenti recently wrote, "The core mission of our judiciary is to deliver fair and timely justice to each and every person who enters our courts."¹ If only that were true. Rather than just run our courts, the Judiciary has created a vast bureaucracy of organizations, committees and specialty courts. Here is a sample: Community Dispute Resolution Center, Matrimonial Neutral Evaluation Program, Mental Health Court, Mediator Ethics Advisory Committee, Collaborative Family Law Center, Diversity Gender Fairness Committee, Lay Guardian Training, Children's Centers and the Parent Education and Awareness Program. The Judiciary publishes two coloring books. Eight judges, including Judge Prudenti, have state supplied cars and chauffeurs. It has a fleet of vans and SUVs.

Over the past few years the Judiciary has created a three person committee to give out money to charities and not for profit organizations for "civil legal services." That has nothing to do with running our court system. The request this year is for \$70 million. Last year, with the help of some of these charities and at the request of the Judiciary, 25 new Family Court judgeships were created at a cost of \$1 million per year per judge,

including court personnel. Even though the filings in Albany County Family Court declined 12% over the past five years, it now has a fourth Family Court judge. Schenectady County Family Court filings declined 17%, but it also has a new judge.

In 2010, the court system did not hand out money for civil legal services other than funding the Interest on Lawyers Account Fund. That year, Chief Judge Jonathan Lippman created a Task Force to Expand Access to Legal Services in New York and within one year the court system was paying \$12.5 million in addition to the IOLA money. The request this year is for \$70 million plus \$15 million for IOLA. The people who decide who gets this money are just three people including Chief Administrative Judge Prudenti. The Task Force to Expand Access to Legal Services in New York is now full of people related to the organizations who receive this money. Members of the Task Force are affiliated with organizations that receive over \$20 million per year from the Judiciary. None of this money deals with running the court system as mandated by the Constitution.

For the most part, no one complains. Traditionally Budget hearings have witnesses only from those who urge passage of the budget. It is perhaps time for the Legislature to stop awarding whatever the Judicial System says it requires, especially if those funds do not involve running New York's courts.

Michael P. Friedman, Esq.
53 East Claremont Drive
Voorheesville, NY 12186
mfriedman@fmpclegal.com
(518)225-7636

ⁱ New York Law Journal, January 26, 2015.