



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 lobbying 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. Last year's budget generated cuts in the courts across the state. The effects of the cuts have been well-documented and reported by our colleagues at the New York State Bar Association, the New York County Lawyers Association and others. In addition, Modern Courts' 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, demonstrates to us that from every part of New York, the resources needed to afford full and fair justice to all people, and especially the most vulnerable are not at their most robust. We ask this Legislature to accept the Judiciary budget as proposed, so the courts in New York have the ability to provide full and fair and timely adjudication of proceedings within the constraints of these difficult economic times.

Across the country the issue of funding for state court systems is at the forefront of many in government and the private sector. Although it has been reported that New York has not suffered the draconian cut-backs foisted upon other courts in other states, Modern Courts

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strongly believes that the Family Courts in New York are woefully under-resourced. Even with the best efforts of judges and non-judicial personnel, and the dedication of advocates representing litigants in Family Court, the limited resources cause extraordinary delays preventing proper and timely resolution of issues facing the people who need justice to protect them from harm. This issue cannot be ignored. The problems 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 because of New York's long-standing commitment to a sound Judiciary. But it cannot be emphasized enough that any more erosion of the court system will be detrimental to the health of our State.

### **Economic Prosperity**

The economic prosperity of a state is tied into a well-functioning judiciary. A recent State of the Judiciary address given by the Chief Justice of the State of Iowa, succinctly analyzed how the relationship works, and it is well-worth noting here:

. . . the World Bank conducted a study to determine what accounts for the success and wealth of a nation. This study found that the most important ingredient to the economic success and strength of a country, by far, was the presence of a court system that applied the rule of law fairly and impartially. Fair, efficient, and fully functioning courts provide businesses with the necessary confidence to invest in an area, or to expand a business operation, by assuring that their investment will be fully protected under the rule of law in the same way individual rights are maintained. As explained by the lead economist in

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the study, the confidence needed to promote investment comes from “the efficiency of the legal system and how many days it takes to get to trial, how many days it takes to get a decision once you’re at trial, the lack of corruption, the degree of transparency—the whole set of issues that go into” what is called the rule of law. The business relationships and commerce needed to grow an economy must operate within an environment of the rule of law and must have confidence in the legal system to provide that environment. This view is also supported by a 2010 study conducted by the United States Chamber of Commerce. This study surveyed 1500 senior litigators at America’s largest corporate employers. Two-thirds of these employers agreed that the litigation environment in a state impacts important business decisions in their company such as where to locate or do business. Businesses need and want a level playing field where the rules are fairly enforced and the gains achieved by their efforts are fairly protected by those rules.<sup>1</sup>

These are not easy times for judiciary systems across the country but providing for a well-funded judiciary is not only about the importance of justice – which should be enough for us all – it is also about the economic well-being of our state. Modern Courts applauds this Legislature for its historical support of a strong Judiciary and requests that you continue to do so.

### **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.

The Task Force reported, as follows:

. . .The report documents [that] nearly \$1 billion in positive economic impact over the past year in New York State from civil legal services. Specifically, civil legal aid creates this economic impact in our State by: (1) bringing in \$348.1 million in federal benefits

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<sup>1</sup> 2012 State of the Judiciary, Mark S. Cady, Chief Justice of the Iowa Supreme Court, January 11, 2012.  
<http://www.iowacourts.gov/wfdata/files/StateofJudiciary/2012/Webspeech.pdf>

for clients; (2) generating \$516.4 million in additional economic activity, according to the United States Department of Commerce's calculation that every dollar brought into New York has a multiplier effect of 1.48, as low-income families and individuals use those federal dollars to purchase necessities like food, rent and clothing which, in turn, support local businesses (1.48 multiplied by \$348.1 million in federal benefits equals \$516.4 million); and (3) achieving \$116.1 million in actual eviction prevention savings.

The Task Force [also] commissioned two independent studies from leading financial analysis firms, which found that civil legal services can generate some \$200 million in annual savings: \$85 million by providing legal assistance to avert the immediate expenses resulting from domestic violence (which does not consider the victims' longer term health care costs and longer term productivity losses), and \$116.1 million by preventing evictions and resulting shelter costs.

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**

Thanks to your leadership and efforts, the State's budget is in a more secure place than last year, 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,

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Chair