

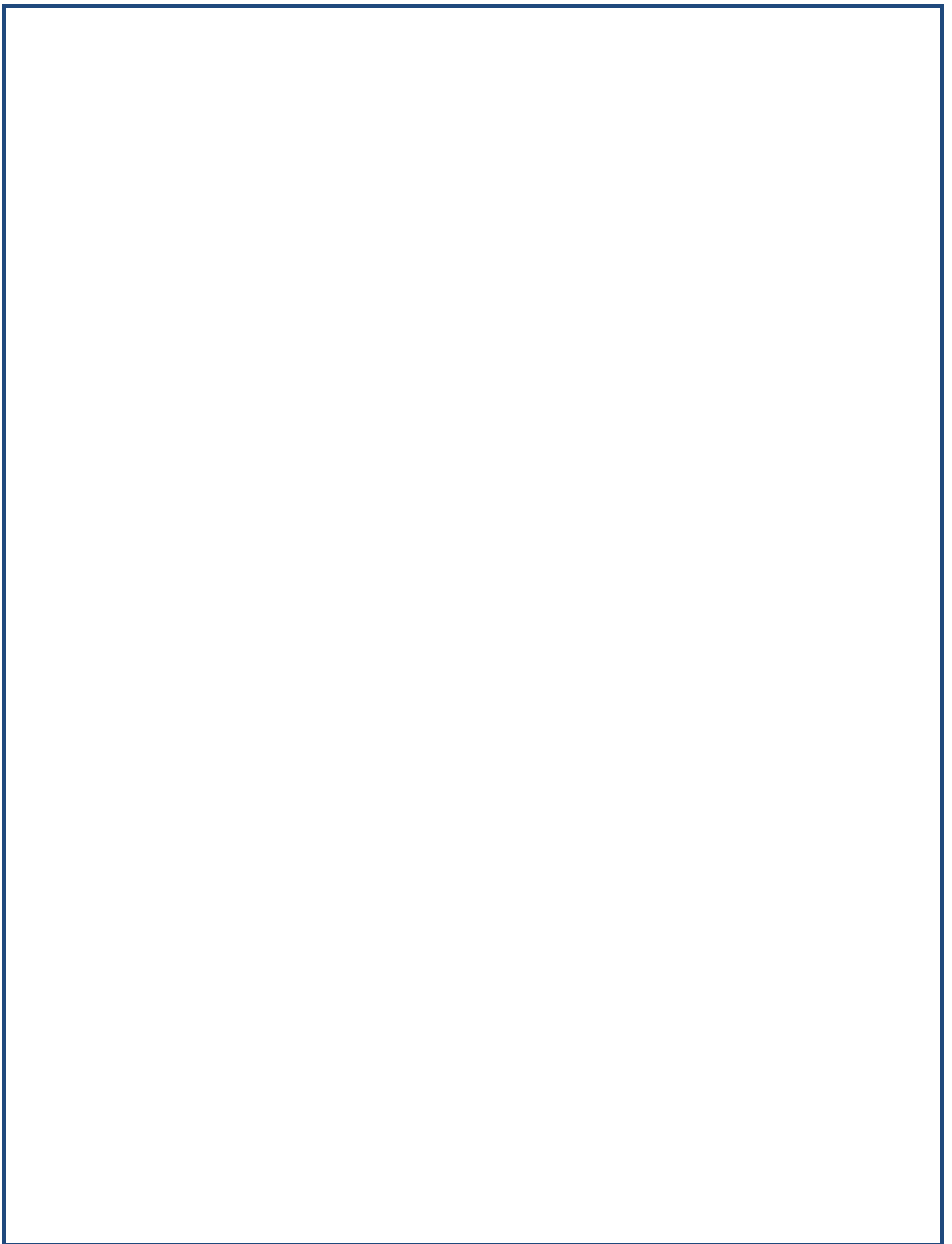


Testimony

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

February 12, 2020

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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.

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 problems. 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.

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, which asks for \$2.28 billion for FY 2020 representing a cash increase of \$44.7 million, or 2 percent, over current-year cash funding, 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 deserve to have these matters resolved under the rule of law as guaranteed by our constitution. We believe this budgetary request demonstrates the Judiciary's commitment 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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CIVIL LEGAL SERVICES

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

We support the Executive Budget proposal to continue State support for local implementation of Raise the Age legislation, 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.

AID TO LOCALITIES FOR MANDATED PARENTAL REPRESENTATION IN CHILD WELFARE PROCEEDINGS

Modern Courts supports the request by the Office of Indigent Legal Services for 5 million dollars in Aid to Localities funding to improve mandated parental representation in child welfare proceedings. By making these quality-improvement grants available to counties throughout the state, excessive caseloads can be reduced and counties will be better able to provide access to appropriate professional support services for providers of mandated parental representation.

IMPROVED TECHNOLOGY

Modern Courts supports the Judiciary's request for a \$25 million capital appropriation, which will allow the Judiciary to continue the infrastructure modernization essential to support efficient operations of the courts. The specific programs to be supported by the requested funding include funding for the fourth year of a multi-year plan to modernize the Judiciary's computer network, computing equipment for judges, court staff and the court system's data centers, and advanced communications, videoconferencing and remote access capacities for all judges and court staff.

JUDICIAL CONDUCT COMMISSION

The Commission on Judicial Conduct is an independent agency of state government, created in the NYS Constitution to enforce the obligation of judges to observe high standards of conduct while safeguarding their right to decide cases independently. It was created to ensure the public's continued confidence in the fairness and impartiality of the Judiciary. In order for the Commission to meet its obligations under law, it needs to be adequately funded. We note that this year's Executive Budget does not recommend an increase over last year's budget, even though the Commission is understaffed, does not have sufficient funds to cover its substantial stenographic services costs and other ordinary increases in contractual obligations, such as rent. The Commission's request for an additional \$330,000 for this fiscal year seems reasonable.

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

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.

JUDICIAL SALARIES

Modern Courts believes that that an appropriately and fairly compensated judiciary is absolutely necessary to provide New Yorkers, who rely on the courts for the resolution of so many issues, with the opportunity of having their matters resolved by a well-qualified, experienced and diverse judiciary. Although the Commission on Legislative, Judicial and Executive Compensation (“Commission”) in its December 26, 2019 Final Report on Judicial Compensation recently made no recommendation that judicial compensation be adjusted in the next four years, we urge the Legislature to take up the matter of judicial salaries directly during this budget process and determine whether New York’s judges and justices are fairly compensated.

Modern Courts believes that parity between the compensation of State Supreme Court justices and Federal District Courts judges, as established by prior Commissions, should continue to be the standard the Legislature uses. We note that such parity currently exists, but will not continue in subsequent fiscal years if the Legislature does not act. We urge the Legislature to provide a mechanism to maintain that parity moving forward and that and that all other judges continue to receive proportional compensation.

Such an action by the Legislature will demonstrate that it recognizes the importance of the New York State judiciary as a co-equal branch of government and that the judiciary is valued and respected.

Recognizing that budget deficit concerns might influence the Legislature, at a minimum Modern Courts recommends that the Legislature adopt a cost-of-living increase for judicial compensation, so that the current judicial compensation will not be eroded over the course of the next four years.

While New York State is now the nation's leader in state judicial salaries in absolute terms (at least for New York Supreme Court justices), it is nonetheless the case that when adjusted to take cost of living into account, the salaries of Supreme Court justices actually now rank 29th out of the 50 states, the District of Columbia, Puerto Rico, Guam and the Northern Mariana Islands, according to the National Center for State Courts. As we all know, it is more expensive to live in New York than in more than in many other states and we hope that the Legislature takes this into consideration when considering compensation for our judiciary.

CONCURRENT RESOLUTION TO RESTRUCTURE THE COURT SYSTEM

Modern Courts enthusiastically supports the budget bill submitted by the Governor in accordance with Article VII of the Constitution: Concurrent Resolution to Restructure the Unified Court System, which would restructure New York's court system and in the words of the Governor's memorandum of support "...make it more efficient, cost effective, and sensitive to the needs of litigants."

We urge you to adopt this budget bill, which incorporates the key elements of the Chief Judge's court consolidation proposal, because we believe that court simplification will make the court system work better for those who use the courts – families burdened by having to appear in multiple court venues; unrepresented individuals with few if any resources; survivors of domestic violence; and others with limited financial means.

In other words - your constituents.

Our present multiple court system creates confusion among the people the courts are

supposed to serve, gives judges only partial ability to see the full picture of the case, wastes time for litigants which often results in loss of work and wages, and generates a system that is difficult, if not impossible, to understand

Simplification will remove the barriers that impact litigants, families, victims, local government, small business, lawyers, nonprofit organizations, judges and court personnel and anyone who uses the courts because it will integrate the courts in a way that eliminates the need to go to different courts for different yet related issues. Court simplification will permit more resources to go to the courts that need them the most.

Reforming one branch of government to make it accessible, navigable and trusted by all New Yorkers is not an easy task, but with your leadership we are convinced it can be accomplished. This Legislature has demonstrated its commitment to a fairer, more equitable justice system as evidenced by your successes during the 2019 session. We believe that the passage of this court simplification proposal is the logical next step in this Legislature's march towards a more accessible and open justice system for all New Yorkers.

Over the past six months, Modern Courts has organized the Simplify the Courts! Coalition composed of 111 organizations from all parts of the state focused on the critical goal of simplifying the New York State court system. A list of the coalition members is attached to this testimony. The members of this Coalition are independent organizations, with a wide variety of perspectives and interests, who have agreed to work together to simplify our court system to benefit the individuals they represent in New York's trial, family, civil, criminal and housing courts.

Respectfully Submitted,

Dennis Hawkins, Executive Director