

Memorandum in Support

NYSBA Memorandum #18

February 22, 2016

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By: BUDGET
By: BUDGET

Senate Committee: Finance
Assembly Committee: Ways and Means

THE NEW YORK STATE BAR ASSOCIATION **SUPPORTS APPROVAL OF THE JUDICIARY BUDGET**

New York's courts adjudicate millions of disputes, both great and small, and guarantee a "day in court" to all people, including the weak, the poor and the unpopular, as well as those who rely on our courts to resolve their business and commercial disputes, which is important to the state's economy and to ensuring that New York continues to be the business, financial and legal center of the world. The courts are also central to our criminal justice system and matters involving family relationships. In short, the effective operation of the court system is crucial to maintaining an orderly society.

2016-2017 JUDICIARY BUDGET REQUEST

The Judiciary budget currently seeks cash funding of \$1.9 billion for General Fund State Operations to support court operations.

The State Bar supports funding to **ensure full and efficient operation of courthouses**. Our courts need to be able to fill critical positions needed to provide effective service to the public, including clerks and court officers. An urgent concern of the State Bar in recent years has been the impact of budget cuts that have resulted in the Judiciary's inability to keep courtrooms open beyond 4:30 pm.

We recognize that keeping courtrooms open later necessarily requires some overtime costs. However, during trials and other courtroom proceedings, there are significant and detrimental costs, especially to those participating in these proceedings resulting from closing the courtroom at 4:30 pm. Further, we have heard from practitioners on the difficulties in recent years of getting their matters heard in anything close to a reasonably timely basis. This is due to significant delays in such routine functions as moving papers and calendaring cases.

Accordingly, the Judiciary's budget for the upcoming fiscal year should provide the resources necessary to ensure that proceedings will not be unduly delayed by staff shortages or be disrupted due to the need to avoid overtime costs.

The Judiciary reports that in recent years the non-judicial workforce has been reduced by approximately 2,000 employees. This reduction has clearly had a significant impact on

court security. In many courthouses there have been insufficient court officers and court clerks to fully staff all courtrooms, with a reduction in security and resulting delays in courtroom proceedings. At times back office staff has been needed to open courtrooms, with the result that back office functions are deferred, causing a growing backlog in the processing of judgments and motions. Consequently, budgets in recent years have had a real impact on court operations – an impact felt by litigants and their counsel, by jurors, and by judges and court personnel.

We urge funding that addresses the severe impact of previous budget cuts on New York’s courts and that ensures adequate access for all to the justice system.

FUNDING CIVIL LEGAL SERVICES

Funding for civil legal services has been among the State Bar’s highest priorities for many years. Unfortunately, the need for civil legal services continues to be a significant concern. New York’s lawyers have shown their commitment to voluntary pro bono efforts, but proper funding of critically-needed programs and resources is necessary. Pro bono efforts by the bar have been extensive. The bar contributes an estimated two and one-half million hours each year in voluntary pro bono legal services to the indigent. However, these voluntary efforts alone are insufficient to meet current needs. Ultimately, society as a whole, acting through its government, must provide adequate public funding. In an era when some members of Congress continue efforts to defund the Legal Services Corporation, the need for responsible action in New York State is all the more critical. New York must provide a steady source of funding targeted to ensuring legal representation to protect the “essentials of life” – housing, preventing or escaping from domestic violence, access to health care – reliably and quickly. **The New York State Bar Association strongly SUPPORTS the Judiciary’s request for a total of \$100 million for civil legal services.**

SUPPORT FOR IOLA

The State Bar was one of the original advocates for the formation of the Interest on Lawyer Account (“IOLA”) Fund. The IOLA Fund, which was created by the Legislature in 1983, is funded by the interest earned on moneys held by attorneys for clients and deposited in interest-bearing accounts at the discretion of attorneys and law firms. The accumulated interest is transferred to the IOLA Fund, where it is used to provide grants to legal service providers around the state. Concern in recent years has stemmed from the impact that low interest rates have had on the Fund. For the past several years the Judiciary budget has included a \$15-million allocation for the IOLA Fund to help offset the low revenues due to low interest rates and the number of real estate transactions. We support the inclusion of this item in this year’s budget and commend the Legislature for its having recognized the importance of this funding in previous years. **We strongly urge you to continue your support for this \$15 million appropriation for IOLA.**

CONCLUSION

Based on the foregoing, the New York State Bar Association **SUPPORTS** approval of the Judiciary Budget.