

# New York State Bar Association

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## Memorandum Urging Approval

NYSBA #31-A-GOV

April 2, 2018

S.7501  
A.9501

By: BUDGET  
By: BUDGET

Senate Committee: Finance  
Assembly Committee: Ways and Means

### **THE NEW YORK STATE BAR ASSOCIATION** **SUPPORTS APPROVAL OF THE JUDICIARY BUDGET AND URGES ITS APPROVAL**

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.

### **2018-2019 JUDICIARY BUDGET REQUEST**

According to the Office of Court Administration (OCA), the State Operations budget requests \$2.23 billion, an increase of \$44.4 million over current year funds.

The budget increase request for State Operations funds will allow for "adequate court staffing, especially in clerk, court officer, interpreter, court reporter, and other courtroom and back office positions that are critical to providing a high level of service to the public," according to the Judiciary's budgetary request to the Governor and the Legislature. The increase requested will also allow the judiciary to "incrementally restore" a number of programs that were cut due to budget constraints in previous years.

The initial focus of the Excellence Initiative is on court fundamentals – the Judiciary's core mission to fairly and promptly adjudicate each of the millions of cases filed in the New York State courts every year. Working closely with Administrative Judges and local court administrators, and consulting the bar, prosecutors and other partners in the justice community, OCA has undertaken an extensive examination into the causes of the backlogs, bottlenecks and delays in adjudicating cases.

The Association supports the proposed budget increase for the Judiciary, and wishes it were even higher in that funding has still not been restored to 2010 levels. As policymakers addressed many challenging budget issues, we have strongly urged considering that the operations of the court system have not fully recovered from those devastating cuts years ago.

## FUNDING CIVIL LEGAL SERVICES

Funding for civil legal services has been among the State Bar's 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 continue to provide a steady source of funding at a stable level 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 and the Governor for 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

The New York State Bar Association respectfully submits that legitimate budgetary concerns should not evolve into justification for diminishing "access to justice" in New York, thereby inflicting costly and unjustifiable damage to our institutions.

"Access to justice" is the primary focus of the Association's legislative priorities. That concept helps distinguish and define us as a nation where freedoms flourish under the rule of law.

We urge you to remain committed to protecting against erosion of that right, and to ensuring the public's trust and confidence that our system provides access to that right.

Accordingly, the New York State Bar Association recommends **APPROVAL** of the Judiciary Budget.