



**TASK FORCE ON JUDICIAL BUDGET CUTS**  
**Co-Chairs: Hon. Stephen G. Crane and Michael Miller**

**Public Hearing Report**  
**The Effects of Judicial Budget Cuts on the New York State and Federal Courts**

**Hearing Conducted on December 2, 2011**

**This report was approved by the Executive Committee of the Board of the New York County Lawyers' Association on January 18, 2012.**

**INTRODUCTION**

The New York County Lawyers' Association (NYCLA) has long advocated for access to justice for all New Yorkers. This commitment has taken many forms in NYCLA's 104-year history. The Association has advocated for equal treatment for all regardless of economic status, for funding high-quality criminal defense and civil legal services, for legislative reforms to eliminate bias toward women and minorities and, last but not least, for judicial independence. Over the years, NYCLA welcomed changes that enhanced access to justice while continuing to press for more and deeper reforms. Now, however, the painful judicial budgets cuts the state and federal courts experienced in 2011 not only jeopardize the rule of law but significantly reduce access to justice and public safety in fundamental ways, with a disproportionately adverse effect on the quality of justice administered to families, children and the indigent.

Deeply concerned over the impact of judicial budget cuts, the NYCLA Board of Directors, on the recommendation of newly elected President Stewart D. Aaron, established a Task Force on Judicial Budget Cuts on June 13, 2011. The Task Force, co-chaired by Hon. Stephen G. Crane, former Senior Associate Justice of the Appellate Division, Second Department, and NYCLA Past President Michael Miller, fulfilled its original mandate to prepare an initial assessment within 60 days; it published a Preliminary Report on the Effect of Judicial Budgets Cuts on New York State Courts on August 11, 2011 and a Preliminary Report on the Effect of Judicial Budget Cuts on the U.S. District Court for the Southern District of New York on August 25, 2011.

([http://www.nycla.org/siteFiles/Publications/Publications1475\\_0.pdf](http://www.nycla.org/siteFiles/Publications/Publications1475_0.pdf) and [http://www.nycla.org/siteFiles/Publications/Publications1476\\_0.pdf](http://www.nycla.org/siteFiles/Publications/Publications1476_0.pdf)) Recognizing that the \$170 million in state court budget cuts had been imposed only several months earlier, the Task Force announced plans to continue its assessment of budget reductions by conducting a survey and a public hearing.

The electronic survey about state judicial budget cuts, conducted from November 9 through November 30, 2011, generated 759 responses from attorneys, court system employees, judges, government attorneys, lawyers with legal services organizations and non-attorneys. Remarkably, 252 respondents not only answered the questions but also provided detailed comments about the effects of the cuts. Nearly 85% either “strongly agreed” or “agreed” that the court’s efficiency has been compromised and almost 70% either “strongly agreed” or “agreed” that the public’s access to justice had declined ([http://www.nycla.org/siteFiles/Publications/Publications1507\\_0.pdf](http://www.nycla.org/siteFiles/Publications/Publications1507_0.pdf)); similar large majorities indicated that cuts had compromised court efficiency and negatively affected the administration of justice.

As the third component in its action plan, the Task Force conducted an all-day public hearing on December 2, 2011 at the Home of Law. Five panels of Task Force members, NYCLA officers and other NYCLA leaders heard testimony from 17 presenters on the impact of state and federal budget cuts. The witnesses confirmed many of the budget-cut problems identified in the two Preliminary Reports and provided revealing data and powerful first-hand observations. These amplified the Preliminary Reports and the survey results. (The list of hearing panel members and witnesses is in Appendix A to this report; copies of the testimony are in Appendix B.)

## **SUMMARY OF HEARING TESTIMONY**

### **Panel 1: Impact of Budget Cuts on the State Courts**

“...[I]n deciding where reductions would be made, the priority was to minimize the impact on court operations and the public.” Written testimony of Hon. Lawrence K. Marks, Administrative Director of the Office of Court Administration, and Ronald Younkings, Esq., Chief of Operations, Office of Court Administration (OCA)

Hon. Lawrence K. Marks and Ronald Younkings, Esq. provided an overview of how the budget cuts were implemented in the current fiscal year and gave a preview of the budget request for the next fiscal year.

Last year, following a huge reduction in force by way of early retirement incentives, OCA reduced its original budget proposal of \$2.7 billion for Fiscal Year 2011/2012 by \$100 million after Governor Cuomo requested that the judiciary match the budget reduction required for executive branch agencies. However, when the judiciary budget was adopted, the State Legislature cut another \$70 million, for a total reduction of \$170 million.

OCA’s guiding principle in identifying cuts was to minimize staff layoffs. But layoffs were unavoidable, and eventually over 400 employees were terminated. Aiming to minimize the impact of reductions, OCA also eliminated or drastically reduced the following programs and services: the Lawyers Assistance Trust no longer funds local bar association counseling programs for members of the legal community with alcohol and

substance abuse problems; the Parent Education program no longer funds non-profit groups counseling divorcing parents; day care centers in courthouses, except in some Family Courts, were closed or suffered reduced hours; and law book and legal reference material purchases were reduced by two-thirds.

A third component of the budget reductions involved programs and services that would have a more serious impact on court operations: the Judicial Hearing Officer (JHO) program, which helped manage caseloads, was eliminated except for a small number of JHOs in Family Court and lower criminal courts; fewer prospective jurors are called for jury service; and funding for Alternate Dispute Resolution was cut in half.

The budget cut with the most visible and immediate impact, about which most presenters at the public hearing commented, was the reduction by two-thirds in the court employee overtime budget. This cut reduced courthouse hours of operation and reduced weekend arraignment shifts in Criminal Courts. Increases in the arrest-to-arraignment time, required by state and federal law to be no more than 24 hours, occurred in Brooklyn Criminal Court shortly after weekend hours were reduced. In reaction, OCA increased operating hours even at the cost of additional overtime. Judge Marks advised: “We monitor this process extremely closely, on a daily, and even hourly basis.”

On December 1, OCA submitted to the Governor its Fiscal Year 2012/2013 budget request of \$2.3 billion, a \$3.9 million decrease over the current year. However, this reduced budget request envelops \$70 million in cost increases, comprising \$27.7 million for judicial pay increases, \$21.3 million for contractually required increments for non-judicial employees and an additional \$12.5 million for civil legal services funding. OCA expects to accommodate these increases through a reduced operating base and a continued focus on cost-cutting measures. Judge Marks concluded: “The budget, as proposed, provides the minimum funds that the Judiciary needs; any further reduction would seriously jeopardize the ability of the courts to fulfill their core mission.”

## **Panel 2: Impact of State Court Budget Cuts on Children, Families and the Public— Part I**

“Dreams are deferred; dreams could be derailed.” Oral testimony of Hon. Kristin Booth Glen, Surrogate, New York County

Hon. Kristin Booth Glen noted in her testimony that the “perfect storm” of retirement initiatives, a hiring freeze and layoffs led to a reduction in the Surrogate’s Court staff from 73 to 61 employees. The loss was exacerbated by the retirement of experienced, senior clerks in every department and their replacement by less experienced ones who must learn on the job. Court attorneys now oversee work in departments like Accounting and have less time to conference cases, increasing litigation costs for families in crisis. Cuts have halted projects that would benefit unrepresented litigants as well as attorneys, such as a website redesign, Pilot Mediation Project and volunteer monitoring initiative for guardianships of minors and persons with intellectual disabilities. Judge Glen noted that it now takes weeks to get a translator and that the accelerated transition to online

services is problematic. As Judge Glen concluded: “The demands on the court do not decrease....Without help, we can’t do this much longer.”

Hon. Laura Drager, Acting Justice of the New York State Supreme Court, presented oral testimony about the impact of the budget cuts on matrimonial litigation. She noted that since 2009, uncontested divorces had increased from 9,000 to more than 12,000 while the number of referees to review the papers has decreased from nine to five referees. The loss of four referees has led to prolonged litigation and increased attorney costs for litigants, adding significant delays in the approval of no-fault divorces. The difficulties confronting matrimonial judges are compounded by the early closing of the courthouses and the reduced ability to conference cases, an important component of the process, with the result that less attention is given to issues considered at conferences such as child care, visitation, immediate custody, risks to children, whether assets are being wasted, educational expenses, and valuation of businesses. Justice Drager noted that due to the budget cuts and reduced court hours, she is now able to devote only an average of 22 minutes per conference. Caseloads for judges have increased to 375, with more contested divorce cases and an increase in the number of unrepresented litigants, requiring more time on the part of both clerks and judges.

In his testimony, Dennis R. Hawkins, Esq., Executive Director of the Fund for Modern Courts, emphasized the Fund’s long-standing special interest in the operations of the Family Court as it provides relief for vulnerable individuals and families. He called for the restoration of funding for child care centers in the courts and an increase in the number of Family Court judges through the immediate assignment and re-assignment of additional judges to alleviate the disparity in the number of cases assigned to Family Court judges compared to judges in other courts. He recommended the use of better and expanded technology, increased availability of free or affordable legal services and staffed self-help centers in every county. Mr. Hawkins also noted that the cutback in non-judicial personnel “greatly increases the burdens on the judges.”

**Panel 3: Impact of State Court Budget Cuts on Children, Families and the Public—  
Part II**

“The old adage is that the wheels of justice are slow. Now, the wheels have nearly come to a halt.” Written testimony of Briana Denney, Esq., Newman and Denney P.C. and Co-Chair, NYCLA’s Matrimonial Law Section

Briana Denney, Esq. testified about the ever-increasing delays and costs in Family Court and Supreme Court for families in financial and emotional crises. Shortened courthouse hours reduce the amount of time judges can spend on resolving cases. This causes ongoing problems and trials extended over weeks or months. The lack of court officers in Referee parts creates serious security concerns for lawyers and litigants, as referees decide orders of protection, custody and visitation—highly emotional and potentially dangerous subjects. Delays in obtaining judgments of divorce, in part due to the termination of Judicial Hearing Officers, can have significant tax consequences for parties and adversely affect the enforcement of agreements.

Dora Galacatos, Esq., Senior Counsel at the Feerick Center for Social Justice at Fordham Law School and a member of NYCLA's Board of Directors, focused her testimony on the impact of the budget cuts on consumer debt-collection cases in New York City Civil Court. The Feerick Center helps support CLARO (Civil Legal Advice and Resource Office) Programs providing advice to unrepresented defendants in consumer debt cases in New York, Bronx and Richmond Counties. From this vantage point, CLARO volunteers have noted delays of up to two months or more in retrieving archived court files. Other delays occur in obtaining access to recently filed documents for non-archived files, hampering the ability of volunteer attorneys to assist unrepresented litigants in fully and adequately asserting claims for relief. All these delays significantly burden defendants who have suffered default judgments in consumer debt cases; they are denied access to housing, employment or credit because the default judgment is reflected on their credit reports or they are subject to wage garnishment or bank account seizures.

Ira Salzman, Esq. of Goldfarb Abrandt Salzman & Kutzin LLP, discussed the effect of the budget cuts on Article 81 guardianship proceedings. Article 81 of the Mental Hygiene Law establishes the procedures for the appointment of guardians for adults who cannot manage personal or financial affairs without assistance. The law requires continuing court involvement to insure compliance by the guardians. Because of the loss of court personnel, three bottlenecks are creating problems for incapacitated persons and their families. First, delays of up to four months in the processing of orders appointing guardians prevent the implementation of a care plan. This leads to incapacitated persons lingering in hospitals or remaining in unsuitable living conditions. The second delay is in the review of required annual accountings by guardians, affecting the courts' compliance function and delaying payments to guardians, many of whom will no longer accept appointments. The third bottleneck is in the approval of final accountings, now taking two to three years in some counties, again affecting compliance and payments to the guardians of a very vulnerable population.

Louise Seeley, Esq., Executive Director of Housing Court Answers, testified about the detrimental impact of the budget cuts on access to justice in Housing Court, an already overburdened court where upwards of 95% of tenants are unrepresented. One of the most visible problems is the long lines outside courthouses because of reduced hours and also inside the buildings because of the reduced staffing of clerks and court officers. She reported that with greater frequency, default judgments are being entered while unrepresented defendants in landlord and tenant cases are waiting on line trying to get into the courthouse. She noted that in the Bronx, the delay to get into the courthouse is between two and three hours, with the line stretching around the block. She commented that files are frequently lost or misfiled and that obtaining a file from archives, which previously took up to six weeks, now takes up to three times longer. The loss of more experienced clerks also creates problems for unrepresented litigants in obtaining proper instructions and files. She reported that on December 1, 2011, it took a *pro se* tenant three hours to file an answer to an eviction petition. Litigants arriving after 3:45 p.m. are denied access to the courts unless they have a dire emergency like an eviction, marshal's notice or lack of heat. The closing of the child care centers pressures parents

accompanied by children. This makes them even more vulnerable to unfair settlement offers tendered by lawyers representing landlords. Also, as other witnesses testified, the lack of interpreters delays court proceedings and compromises the ability of non-English speaking litigants to negotiate the system.

**Panel 4: Impact of State Court Budget Cuts on the Criminal Justice System**

“Our present situation is unique. In my forty-one years of experience with the criminal court system I cannot recall another instance when that system has had to cope with such extensive cuts in personnel, resources, and hours of operation.”  
Written testimony of Irwin Shaw, Esq., Attorney in Charge, New York County Criminal Defense Office, The Legal Aid Society

Chief Assistant District Attorney Daniel R. Alonso of the Manhattan District Attorney’s Office provided data about the budget cuts’ “profound effect on criminal practice in New York County, to the detriment of all parties involved in the system.” He noted that “arrest to arraignment time is a problem.” Comparing every month since the budget cuts to the corresponding month in 2010, Mr. Alonso testified that the time between the DA’s office filing necessary paperwork and the arraignment of the defendant is two to four hours greater. The average Supreme Court trial now lasts seven days, a day and a half longer than in the comparable period in 2010. When that delay is multiplied by the number of cases tried, the effect on the court and the litigants is very serious and public resources are further strained.

Mr. Alonso testified that as a result of budget cuts, court now breaks in the middle of the day, with jurors required to leave the building rather than deliberating over lunch as they did in the past. Witnesses, whether experts or the victims themselves, have their testimony interrupted at 4:30 p.m.—the “hard stop” in the day. Mr. Alonso provided two anecdotes illustrating the impacts of the budget cuts. In a recent domestic violence case, because of the mandatory “hard stop” at 4:30 p.m., a complainant had to come back another day for continued cross-examination, rather than concluding in one day, imposing greater emotional stress. In another recent felony domestic violence assault case, the judge had to declare a mistrial after prolonged jury deliberations when a juror became sick and could not return for several days. The jurors later told the prosecutor they would have been willing to deliberate over lunch and into the evening, and even with reduced hours, had been only a few hours away from agreeing on a verdict for the three counts charged. Additionally, Mr. Alonso noted that requiring police officers, medical examiners and other public servants to spend more time appearing in court as witnesses imposes further costs to the public. Mr. Alonso concluded: “In the end, state courts are not just another agency of government. They are, in a very real sense, a significant part of the measure of what makes us a civilization.”

In her testimony, Lori Cohen, Esq., a criminal defense attorney for over 25 years, noted that none of the prior changes in state court have affected the criminal justice system as seriously as those from the recent budget cuts. Longer pre-trial detention times and delays in trials present great hardships for those charged with crimes and their families.

In night arraignment parts, clients are not produced and lawyers object to extensions and argue for bail without their clients being present to witness their efforts. This damages the lawyer-client relationship at an important early stage. Again, the lack of child care in the courthouses impairs the ability of families to attend court and support their loved ones.

Representing The Legal Aid Society, Irwin Shaw, Esq. focused on several significant effects of the budget cuts. The first is delayed arraignments. Although the State is under a mandate to arraign defendants within 24 hours of arrest, recent average arraignment times through late November were 25.67 hours in Manhattan, 27.50 hours in Brooklyn and 29.84 hours in the Bronx. Accused people are thus spending more time in custody. Because of limited courthouse hours, defense attorneys have less time to gather information from family members and to meet with clients. Finally, pressure on judges to move cases through a shortened workday may reduce the likelihood of their granting a request to adjourn to await the arrival of the assigned attorney, requiring another attorney, not as familiar with the matter, to “cover” the case.

The last witness in this section of the hearing was William Gorta, a *New York Post* reporter for 11 years, covering courts for the last three. Gorta, a former member of the New York Police Department, retired as a captain after 20 years. For a story published on July 12, his research showed that in Brooklyn for the previous several days, more than half of those awaiting arraignment had been held in jail more than 24 hours. He also reported on the story of 65-year-old woman who, seeking an order of protection against her ex-husband, may have been referred from one court to another and left without seeing a judge. She was killed by her former husband the next day. Mr. Gorta noted that while OCA disputed the main points in the story, shortly after it was published new procedures were instituted barring officers from sending away any petitioner for an order of protection no matter what time of the day or court.

#### **Panel 5: Impact of Budget Cuts on the Federal Courts**

“As is true of many of the things the judiciary does, cuts in funding end up costing taxpayers just as much or more than what they save. The work our Pretrial Services Agency does is essential to public safety and to the functioning of our criminal justice system. If the agency cannot do its job, the costs are externalized on our community.” Written testimony of Hon. Carol Bagley Amon, Chief Judge, United States District Court, Eastern District of New York

“After September 11<sup>th</sup>, the SDNY received funding from the Administrative Office of the United States Courts to improve the safety and security at the Moynihan Courthouse. The contemplated infrastructure upgrades included enhancing the air intake system protections against biological and/or chemical intrusions and constructing a visitors screening pavilion...The proposed improvements were not implemented due to budgetary considerations.” Written testimony of Hon. Loretta A. Preska, Chief Judge, United States District Court, Southern District of New York

Chief Judge Carol Bagley Amon emphasized that there is little room for further cuts in the federal judiciary budget because the courts have successfully implemented cost-containment measures since 2004 and already engage in an ongoing review of programs and business practices to achieve economies and increase efficiency. The federal judiciary has already experienced a 23% personnel reduction since 2009, while caseloads have risen 43% since then. Judge Amon noted that the Eastern District has 27 fewer employees now than it needs to function. To keep the Clerk's Office operating, funds will have to be diverted from areas such as equipment replacement and technology. Maintenance is already deferred except for issues posing a safety or security risk. Further cuts will cause delays in docketing in both civil and criminal cases.

Apart from the magnitude of the cuts, Judge Amon explained that a major problem for the federal judiciary is that it has functioned under a continuing resolution of Congress since October 1, the beginning of the fiscal year. The judiciary has been forced to operate under certain assumptions about its final budget numbers, which will be retroactive to October 1. If the assumptions made turn out to be overly optimistic, the judiciary may be forced to make even deeper cuts than those of which they are currently aware. While the judiciary does not know its final budget numbers, Judge Amon noted that she has every expectation they will be "daunting."

Judge Amon also provided data about Pre-trial Services, which tracks violations of release conditions, new arrests and supervisees' failures to appear, and has consistently had a violation rate less than half the national average. At present, the agency is operating with only 64% of the staff needed to perform its duties at a time of increasing caseloads. The two significant consequences of this shortfall are that Pre-trial Services is less able to supervise and monitor alleged offenders who are out on bail and to complete accurate bail reports. As a result, the community may be put at risk.

Eileen Kelly, Chief Probation Officer, U.S Department of Probation, Eastern District of New York, described the loss of staff the Probation Department has experienced through attrition, early retirement and buy-outs, as well as layoffs beginning in 2004. In the current fiscal year, furloughs were instituted to avoid more layoffs, with each officer, including Ms. Kelly, taking off one unpaid day a month. (Notably, Ms. Kelly testified at NYCLA's hearing during one of her unpaid furlough days.) Even this measure will not close the gap anticipated when Congress finally adopts a budget.

The Probation Department performs two important functions: preparation of presentence reports, utilized by judges in sentencing, and post-conviction supervision, where officers establish and supervise re-entry plans for those sentenced to probation or on supervised release. The Department collaborates with community-based programs and treatment facilities to assist supervisees. It also conducts drug tests and performs searches and seizures of contraband. Future budget cuts may cause priorities to shift from improving the lives of offenders and protecting the community to addressing more immediate risks, such as location monitoring and monitoring of predatory sex offenders. Ms. Kelly noted with pride that while the national recidivism rate is 30%, it is just over 14% in the Eastern

District, an impressive outcome that costs money but saves money in the long run. Ms. Kelley emphasized that cuts in supervision and monitoring could jeopardize public safety.

Chief Judge Loretta A. Preska noted that the court experiences 13,000 filings a year and 2,500 visitors a day. Judge Preska expressed serious concern regarding public safety issues. Long-planned security improvements for the air-intake systems and construction of a screening pavilion outside the Moynihan Courthouse have been deferred. Since designs to rectify the security problems were proposed in 2002, only ad hoc measures have been implemented, despite the high-profile criminal cases involving terrorists, drug-dealers and arms-traffickers prosecuted in the Southern District.

Judge Preska discussed the impact of budget cuts expected in Fiscal Year 2012, despite the caseload increase of 10.7% and staffing decrease of 28% since 2009. In the Probation Department, because of attrition and unfilled positions, caseloads for officers will rise from an average of 56 to 61. Lower caseloads have made it possible for the Southern District revocation rates to be significantly below the national average; in 2010, the national average was 29.4% and the Southern District rate was 19.6%. Reduced supervision and increased caseloads “will result in more crime going undetected, including child pornography, weapons and drug offenses.” More presentence report assignments per officer will lead to delayed sentencings and overcrowding in detention facilities.

Judge Preska testified that budget cuts in Pretrial Services will reduce services to defendants and the effectiveness of supervision and will have a direct effect on public safety. In addition, increased caseloads, furloughs and pay stagnation will lead to diminished morale, which, in turn, may lead to the further loss of experienced officers.

Budget reductions will also affect the docketing of both civil and criminal cases, the filing of timely notices of appeal and delays in proceedings. Other staffing challenges are likely to occur in providing courtroom deputies and interpreters and in the *pro se* office. Juror processing will also be delayed, along with juror payments. Litigants, attorneys and the public will be affected by all of these anticipated budget cuts, in some cases directly and in others through a trickle-down effect.

Edward Friedland, Esq., District Executive, Southern District of New York, amplified Judge Preska’s testimony, emphasizing that the court provides constitutionally mandated services that cannot be cut, leaving personnel as the area most vulnerable to reductions. In the last fiscal year, \$2.4 million was cut; \$6.3 million may be cut this year. Because of Congress’ delay in passing a budget, it is hard to properly plan for a potential \$4.9 million salary shortfall in the current fiscal year.

Mr. Friedland testified that budget cuts may affect the services provided to litigants. For example, the Southern District may not be able to maintain current levels of service in such areas as same-day docketing, court reporting, audiovisual services or interpreters.

In addition, current levels of security will likely decrease given cuts in U. S. Marshal and court security officer staffing.

## CONCLUSION

Based upon the testimony at our public hearing, the ongoing investigation NYCLA has undertaken and the reports that we have produced, there is substantial evidence that under current budget constraints, state court administration is operating on a “triage” basis. In many cases, it is not able to meet its constitutional duty of reasonable access to justice.

Conditions continue to deteriorate:

- We have received reports from judges that the lines to get into certain Family and Housing Courts have continued to grow and that some judges are now requiring reports at 10:30 a.m. (when defaults and dismissals are supposed to be granted) on whether there are still people on line outside the courthouse.
- Despite the fact that trials are required to be open to the public, in certain courts people are not allowed to enter court buildings after 3:30-3:45 p.m.
- As a result of the reduced hours of court operations, trials take longer, with tangible increased costs to the litigants and the public.
- The drastic reduction in the workforce has resulted in delays in even the most basic administrative tasks.
- The virtual elimination of Judicial Hearing Officers has resulted in a greatly increased workload for the judges and increased delays.
- The reduced hours of operation have resulted in a reduction in the time judges are able to devote to conferencing cases, a vital task in the litigation process.
- The time it takes to obtain archived files has greatly increased, often putting litigants, especially *pro se* litigants, at severe disadvantage.
- The average arrest-to-arraignment time has frequently exceeded the 24-hour maximum established by the New York State Court of Appeals.
- Security and public safety have been compromised as a result of the cutbacks.
- The overwhelming perception of the more than 250 written responses to our electronic survey is that the courts are in crisis.

Although OCA’s proposed 2012/2013 budget is “flat,” it contains a total of \$70 million in cost increases, comprising \$27.7 million for judicial pay increases, \$21.3 million for contractually required increments for non-judicial employees and an additional \$12.5 million for civil legal services funding. NYCLA has long championed judicial pay increases and adequate funding for civil legal services, and applauds the inclusion of these items.

NYCLA recognizes the difficult economic and political realities facing court administrators and appreciates their efforts to provide the best service possible under increasingly challenging circumstances. We are deeply concerned about the effects that the judicial budget cuts are having on the administration of justice. Therefore, we urge the New York State Bar Association and all local bar associations to call upon the New York State Legislature, Governor Cuomo and the U.S. Congress to restore court funding

to a level sufficient to allow the courts to meet their obligations under the New York State and Federal Constitutions and relevant caselaw.

## NYCLA Task Force on Judicial Budget Cuts

Hon. Stephen G. Crane, Co-Chair

Former Senior Associate Justice, Appellate Division 2<sup>nd</sup> Department

Michael Miller - Co-Chair

Former NYCLA President

Morrell I. Berkowitz - Co-Chair, NYCLA Supreme Court Committee

Jennifer Brillante-Weaver - Co-Chair, NYCLA Family Court & Child Welfare Committee

Hon. Herman Cahn - Former Justice of the Supreme Court, NY County

Gerald I. Carp - Former Co-Chair, NYCLA Estates, Trusts and Surrogate's Court Practice Section, former NYCLA Board Member

Vincent T. Chang - Past President of the Asian American Bar Association of New York, former NYCLA Board Member

Brian P. Corrigan - Co-Chair, NYCLA Estates, Trusts and Surrogate's Court Practice Section

Briana Denney - Co-Chair, NYCLA Matrimonial Law Section

Sylvia Di Pietro - Co-Chair, NYCLA Estates, Trusts and Surrogate's Court Practice Section, current NYCLA Board Member

Thomas G. Draper - Former Co-Chair, NYCLA Estates, Trusts and Surrogate's Court Practice Section, former NYCLA Board Member

Joseph M. Drayton - Immediate Past President, Metropolitan Black Bar Association, current NYCLA Board Member

Lucas A. Ferrara - Former Co-Chair, NYCLA CLE Institute and Communications Committee, former NYCLA Board Member

Arthur Norman Field - Former NYCLA President

Harvey Fishbein - Former President, New York Criminal Bar Association, former NYCLA Board Member

Hon. Helen E. Freedman - Justice, Appellate Division 1<sup>st</sup> Department and Co-Chair, NYCLA Judicial Section

Brad W. Jarman - Co-Chair, NYCLA Family Court & Child Welfare Committee

Samuel E. Kramer - Former Co-Chair, NYCLA Supreme Court Committee

Lawrence A. Mandelker - Former Chair, NYCLA Election Law Committee

Harold A. Mayerson - Former Chair, NYCLA Parent Education and Custody Effectiveness Program

Sayward Mazur - Former Co-Chair, NYCLA Construction Law Committee, former NYCLA Board Member

Michael J. McNamara - Former Chair, NYCLA Federal Courts Committee, current NYCLA Board Member

Eugene B. Nathanson - Former Chair, NYCLA Civil Rights Committee, current NYCLA Board Member

Gary Rubin - Mazur, Carp & Rubin, P.C.

Keith Schmidt - Co-Chair, NYCLA Criminal Justice Section

Robert G. Silversmith - Former Chair, NYCLA Civil Court Practice Section, former NYCLA Board Member

Hon. George Bundy Smith - Former Judge of the New York State Court of Appeals, current NYCLA Board Member

Thomas M. Smith - Co-Chair, NYCLA Supreme Court Committee

Hon. Michael R. Sonberg - Acting Justice of the Supreme Court, NY County

Glenn Spiegel - Partner, Newman Ferrara LLP

Alison Wilkey - Co-Chair, NYCLA Criminal Justice Section

**Appendix A**  
**NYCLA Task Force on Judicial Budget Cuts**  
**Public Hearing**  
**December 2, 2011**

**Task Force Co-Chairs Hon. Stephen G. Crane and Michael Miller, Esq.**  
**Hearing Panel Members and Testifiers**

**Panel 1: Impact of Budget Cuts on the State Courts**

**Panel Co-Chairs:** Hon. Stephen G. Crane and Michael Miller, Esq.

**Panel Members:**

Rosalind Fink, Esq., Former President of NYCLA  
Lawrence Mandelker, Esq., Former Chair, NYCLA Election Law Committee\*  
Harold Mayerson, Esq., Former Chair, NYCLA PEACE Program\*

**Witnesses:**

Hon. Lawrence K. Marks, Administrative Director, Office of Court Administration  
Ronald Younkens, Esq., Chief of Operations, Office of Court Administration

**Panel 2: Impact of State Court Budget Cuts on Children, Families and the Public – Part I**

**Panel Chair:** Harold Mayerson, Esq.

**Panel Members:**

Hon. Stephen G. Crane  
Hon. Helen Freedman, Associate Justice, Appellate Division 1<sup>st</sup> Department and  
Co-Chair, NYCLA Judicial Section\*  
Sayward Mazur, Esq., Former Chair, NYCLA Construction Law Committee\*  
Michael Miller, Esq.  
Glenn Spiegel, Esq., Partner, Newman Ferrara, LLP\*

**Witnesses:**

Hon. Laura Drager, Acting Justice of the New York State Supreme Court  
Hon. Kristin Booth Glen, Surrogate, New York County  
Dennis R. Hawkins, Esq., Executive Director, Fund for Modern Courts

**Panel 3: Impact of State Court Budget Cuts on Children, Families and the Public – Part II**

**Panel Chair:** Samuel Kramer, Esq., Former Co-Chair, NYCLA Supreme Court Committee\*

**Panel Members:**

Hon. Stephen G. Crane  
Hon. Helen Freedman  
Hon. Joan Madden, Justice, Supreme Court, New York County and Co-Chair, NYCLA  
Judicial Section  
Michael Miller, Esq.  
Hon. George Bundy Smith, Former Associate Justice of the New York State Court of  
Appeals\*  
Glenn Spiegel, Esq.

**Witnesses:**

Briana Denney, Esq., Co-Chair, NYCLA Matrimonial Law Section\*  
Dora F. Galacatos, Esq., Senior Counsel, Feerick Center for Social Justice, Fordham  
University School of Law  
Ira Salzman, Esq., Partner, Goldfarb Abrandt Salzman & Kutzin  
Louise Seeley, Esq., Executive Director, Housing Court Answers

**Panel 4: Impact of State Court Budget Cuts on the Criminal Justice System**

**Panel Chair:** Harvey Fishbein, Esq., Chair, 1st Department Screening Committee\*

**Panel Members:**

Hon. Stephen G. Crane  
Sylvia Di Pietro, Esq., Co-Chair, NYCLA Trusts, Estates and Surrogate's Court Practice  
Section\*  
Hon. Helen Freedman  
Hon. Joan Madden  
Michael Miller, Esq.  
Hon. George Bundy Smith  
Glenn Spiegel, Esq.

**Witnesses:**

Daniel R. Alonso, Esq., Chief Assistant District Attorney, Manhattan District Attorney's  
Office  
Lori Cohen, Esq., Partner, Cohen & Funk, PC  
Irwin Shaw, Esq., Attorney in Charge, New York County Criminal Defense Office, The  
Legal Aid Society  
William Gorta, Associate Metro Editor, *New York Post*

**Panel 5: Impact of Budget Cuts on the Federal Courts**

**Panel Chair:** Michael McNamara, Esq., Former Chair, NYCLA Federal Courts  
Committee\*

**Panel Members:**

Vincent Chang, Esq., Past President, Asian American Bar Association of New York\*  
Hon. Stephen G. Crane

Joseph Drayton, Esq., Counsel, Kaye Scholer\*  
Michael Miller, Esq.  
Barbara Moses, Esq., NYCLA President-Elect

**Witnesses:**

Hon. Carol Bagley Amon, Chief Judge, United States District Court, Eastern District of  
New York

Eileen Kelly, Chief Probation Officer, United States Probation Department, Eastern  
District of New York

Hon. Loretta A. Preska, Chief Judge, United States District Court, Southern District of  
New York

Edward Friedland, Esq., District Executive, Southern District of New York

\* Task Force Member