

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section One of the State Constitution, I am transmitting herewith the appropriations requested by the Judiciary for fiscal year 2003-04. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary's All Funds appropriation request is \$1.8 billion, a \$56 million, or 3.2 percent increase over the current year. Of this amount, \$1.63 billion is requested from the State tax dollar supported General Fund, an increase of \$62.8 million or 4 percent over 2002-03.

While the Office of Court Administration has clearly taken steps to constrain spending growth in the Judiciary, nonetheless, its budget request for 2003-04 reflects a substantial increase. In light of the magnitude of the fiscal crisis facing the State, and the economies effected by the rest of State government, I call upon the Chief Judge to exercise additional fiscal restraint and strive for year-to-year reductions in spending and staffing.

The General Fund increase currently called for includes:

- \$18.5 million for negotiated salary increments and base level increases;
- \$37.2 million for increased fringe benefit costs;
- \$5 million for annualization of current year initiatives, including an increase in nonjudicial security positions (\$2.9 million) and contractual security enhancements (\$2.1 million);
- \$2.7 million for 16 certificated judges and \$1.5 million for new city court judges and staff established in the 2001 Legislative session;
- \$3.4 million for contractual and fixed cost increases, including the Law Guardian Program (\$1.1 million), legal reference (\$1.1 million), Alternative Dispute contracts (\$300,000) and postal rate increases (\$900,000); and
- \$10 million for new needs, including overtime expenses related to enhanced security measures (\$3.9 million), continued expansion of Drug Treatment Courts (\$1.7 million), a shift of Information Technology funding to the General Fund from the Data Processing Fund (\$3 million), jury initiatives (\$500,000), continuing education and training initiatives for judges and legal staff (\$500,000) and the establishment of a community court in Queens (\$400,000).

These increases are partially offset by recurring savings totaling \$15.5 million, including personal service savings resulting from the hiring freeze and savings from early retirement incentives (\$8.6 million); a reduction in financing costs (\$2.2 million); and other nonpersonal service reductions for travel and non-recurring contractual services (\$4.7 million).

The All Funds appropriation growth reflects an increase of \$5.8 million for the Lawyer's Fund for Client Protection, \$700,000 for the NYC County Clerks' Operations Offset Fund and a \$2.5 million increase in Federal funding for Drug Treatment Courts.