

# **THE JUDICIARY**

## **INTRODUCTION**

### **THE UNIFIED COURT SYSTEM**

The Judiciary is one of the three branches of New York State Government. Article VI of the State Constitution establishes a Unified Court System, defines the organization and jurisdiction of the courts and provides for the administrative supervision of the courts by a Chief Administrator on behalf of the Chief Judge of the State of New York.

The objectives of the Judiciary are to: (1) provide a forum for the peaceful, fair and prompt resolution of civil claims and family disputes, criminal charges and charges of juvenile delinquency, disputes between citizens and their government, and challenges to government actions; (2) supervise the administration of estates of decedents, consider adoption petitions, and preside over matters involving the dissolution of marriages; (3) provide legal protection for children, mentally ill persons and others entitled by law to the special protection of the courts; and (4) regulate the admission of lawyers to the Bar and their conduct and discipline.

The New York State court system is one of the largest and busiest in the Western World. It consists of over 1,200 state-paid judges, 2,200 town and village justices and nearly 15,000 nonjudicial employees. Pursuant to the Unified Court Budget Act, the cost of operating the Unified Court System, excluding town and village courts, is borne by the State.

### **STRUCTURE AND JURISDICTION OF THE COURTS**

The Unified Court System is structured as follows:

<b>APPELLATE COURTS</b>	Court of Appeals Appellate Divisions of the Supreme Court Appellate Terms of the Supreme Court County Courts (acting as appellate courts)
<b>TRIAL COURTS OF SUPERIOR JURISDICTION</b>	Statewide: Supreme Court Court of Claims Family Court Surrogate's Court Outside New York City: County Court
<b>TRIAL COURTS OF LIMITED JURISDICTION</b>	New York City: Criminal Court Civil Court Outside New York City: City Courts District Courts Town Courts* Village Courts*

\*Locally funded courts

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The jurisdiction of each court is established by Article VI of the Constitution or by statute. The courts of original jurisdiction, or trial courts, hear cases in the first instance, and the appellate courts hear and determine appeals from the decisions of the trial courts.

The Court of Appeals, the State's highest court, hears cases on appeal from the other appellate courts and, in some instances, from the courts of original jurisdiction. In most cases, its review is limited to questions of law. The Court also reviews determinations of the Commission on Judicial Conduct.

There are four Appellate Divisions of the Supreme Court, one in each of the State's four judicial departments. The Appellate Divisions hear appeals concerning civil and criminal cases. In the First and Second Departments, Appellate Terms have been established to hear appeals in criminal and civil cases determined in the Criminal and Civil Courts of the City of New York and civil and criminal cases determined in district, city, town, and village courts outside the City. In the Third and Fourth Departments, appeals from city, town and village courts are heard initially in the appropriate County Court.

The Supreme Court, which functions in each of the State's 12 judicial districts, is a trial court of unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts. It exercises its civil jurisdiction statewide; in the City of New York and some other parts of the State, it also exercises jurisdiction over felony charges.

The Court of Claims is a statewide court having jurisdiction over claims for money damages against the State. Certain Judges of the Court of Claims; i.e., Judges appointed pursuant to paragraphs (b), (d), and (e) of subdivision 2 of section 2 of the Court of Claims Act, are assigned temporarily to the Supreme Court, primarily as trial justices in the criminal terms.

There are three county-level superior courts. The County Court is established in each county outside the City of New York. It is authorized to handle the prosecution of crimes committed within the county, although in practice, arraignments and other preliminary proceedings on felonies, misdemeanors and minor offenses are handled by courts of limited jurisdiction while the County Court presides over felony trials and supervises the Grand Jury. The County Court also has limited jurisdiction in civil cases, with authority to entertain those involving amounts up to \$25,000.

The Family Court is established in each county and in the City of New York. It has jurisdiction over matters involving children and families. Its caseload consists largely of proceedings involving support of dependent relatives, juvenile delinquency, child protection, persons in need of supervision, review and approval of foster-care placements, paternity determinations, and family offenses.

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates. Family Court and Surrogate's Court have concurrent jurisdiction in adoption proceedings.

The Civil Court of the City of New York tries civil cases involving amounts up to \$25,000 and other civil matters referred to it by the Supreme Court (pursuant to section 325 of the CPLR). It includes a Housing Part for landlord-tenant matters and housing code violations. It also includes a Small Claims Part and a Commercial Small Claims Part for matters not exceeding \$3,000. The Criminal Court of the City of New York has jurisdiction over misdemeanors and violations. Judges of the Criminal Court also act as arraigning magistrates and conduct preliminary hearings in felony cases.

There are four kinds of courts of limited jurisdiction outside the City of New York: District (established in Nassau County and in the five western towns of Suffolk County), City, Town and Village Courts. All have jurisdiction over minor criminal matters. They also have jurisdiction over minor civil matters, including small claims and summary proceedings, although their monetary ceilings vary: \$15,000 in District and City Courts, and \$3,000 in Town and Village Courts.

The civil courts of limited jurisdiction in 31 counties are making use of compulsory arbitration with lawyer arbitrators to resolve minor civil disputes, that is, civil actions where the amount sought is \$6,000 or less in courts outside the City of New York and \$10,000 or less in courts in the City.

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**ADMINISTRATIVE STRUCTURE OF THE UNIFIED COURT SYSTEM**

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge, as chair, and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide standards and administrative policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Administrative Judge, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrative Judge is assisted by the First Deputy Chief Administrative Judge; two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the State, respectively; a Deputy Chief Administrative Judge for Justice Initiatives; a Deputy Chief Administrative Judge for Court Operations and Planning, and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support consists of eight operational divisions, with overall policy guidance and management directed by the Chief Administrative Judge, assisted by the Chief of Operations and the Administrative Director of the Courts. The Division of Human Resources is responsible for the administration of the Unified Court System's workforce diversity programs; labor management relations; career development services; employee benefits administration; and a broad range of personnel services dealing with job classification, compensation and examination issues. The Division of Financial Management coordinates the preparation and implementation of the Judiciary budget and is responsible for payroll processing as well as for promulgation of fiscal policies and procedures; revenue and expenditure monitoring, control and reporting; and the coordination of the fiscal aspects of the Court Facilities Aid Program. The Division of Technology is responsible for the development, implementation and oversight of all central and local automation and telecommunication services which support court operations and administrative functions. The Division of Legal Information and Records Management is responsible for overseeing all of the Judiciary's automated and printed media legal reference services and for coordination of records retention and management programs. The Division of Court Operations provides centralized support for day-to-day court operations through its oversight of streamlining initiatives, procedural manual development and training programs, and alternative dispute resolution programs.

The services provided by these operational divisions are further supplemented by a Public Affairs Office which coordinates communications with other governmental entities, the press, public and bar. The Office of Court Research compiles UCS workload statistics for the courts, management and the public and conducts operational improvement studies. The Administrative Services Office provides a broad range of general support services to the courts including, but not limited to, central accounting and revenue management; attorney registration administration, centralized procurement, supply and printing, and professional development. The Education and Training Office administers educational programs and oversees the operation of the Judicial Training Institute at Pace University. The Office of Public Safety administers the Judiciary's court security and disaster preparedness activities. Finally, an Office of Internal Affairs, reporting directly to the Chief Administrative Judge, conducts internal audits and investigations to support the attainment of management's long term goals and priorities.

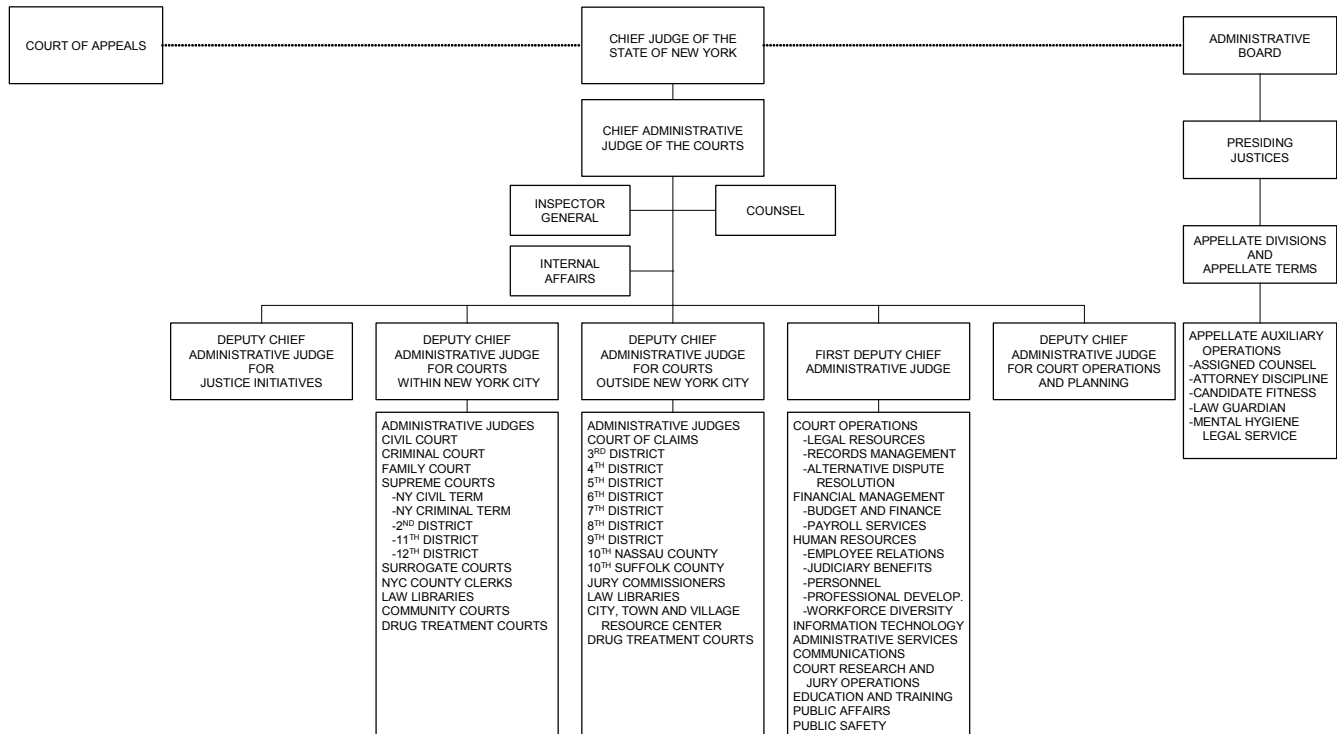
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Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrative Judge.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. Upstate, in each of the eight judicial districts established outside the City of New York, there is a District Administrative Judge who is responsible for all courts and agencies operating within the judicial district. In the City of New York, Administrative Judges supervise each of the major trial courts, and the Deputy Chief Administrative Judge provides for management of the complex of courts and court agencies within the City. The Administrative Judges manage not only court caseload, but are responsible as well for general administrative functions including personnel and budget administration and all fiscal procedures.

The Appellate Divisions are responsible for the administration and management of their respective courts, and of the several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and Mental Hygiene Legal Service.

## New York State Unified Court System Administrative Structure



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## **EXECUTIVE SUMMARY**

### **THE COURT SYSTEM AND FISCAL ACCOUNTABILITY**

The Judiciary's budget request for fiscal year 2005-2006 seeks the resources necessary to meet the court system's constitutional responsibilities. The funding request also reflects the Judiciary's commitment to work in partnership with the Governor and Legislature to meet the fiscal challenges faced by the State.

This budget request, like the budgets of recent years, seeks only essential funding for ongoing functions and priorities. For the third year, the Judiciary budget request seeks no additional nonjudicial positions, and leaves more than 400 authorized positions unfunded. As caseloads reach record levels, the court system continues to responsibly limit spending through a variety of cost saving measures. In the coming fiscal year, fiscal prudence will be achieved through continuation of a carefully monitored vacancy control program, purchasing restrictions, and the enhanced use of technology.

The request for Court Operations-General Fund is \$1.45 billion, an increase of four percent over current year appropriations. That increase is less than mandated cost increases, including legislatively approved collective bargaining agreements, security contracts, and the higher law guardian costs associated with enactment of higher reimbursement rates for assigned counsel. These mandatory cost increases are offset through various operational efficiencies, including the savings generated by the court system's vacancy control program, as well as restrictions on overtime, travel, and equipment purchases.

### **IMPROVING JUSTICE ADMINISTRATION AND OUTCOMES**

The mission of the New York State Judiciary is to resolve all disputes that are brought before it, in a fair and timely manner. The challenge is to achieve this mission in the face of an ever-mounting caseload – in 2003, more than four million new cases were filed in the State's trial courts, an increase of over ten percent since 1999, and an increase of over thirty percent since 1993.

The Judiciary's budget request for the coming fiscal year seeks the funding necessary to fulfill this mission, including funding to fill long-term vacancies in those courts where the workload growth has been particularly steep (such as the New York City Civil Court, where new case filings have increased by more than 40 percent in the past three years), and funding to provide adequate security in our courthouses.

The budget request also seeks funding to continue, and to institutionalize, the innovations that have become the hallmark of the New York State Judiciary and justice in New York. Prominent among these innovations are the problem-solving courts, which feature the active involvement of judges, and collaboration with criminal justice, treatment and social service agencies, to address the underlying issues that bring many people into court over and over again. These courts have proven that the problem-solving model is a highly effective means of providing justice. By addressing, and seeking to solve, the underlying problems that bring people into the justice system, the problem-solving courts have also demonstrated that they can provide significant savings to state and local governments with regard to incarceration, public assistance, and other costs.

The court system is now moving beyond pilot projects, and is incorporating the lessons of these innovations and problem-solving strategies into the mainstream of court operations. Among these successful innovations are the Drug Treatment Courts, Integrated Domestic Violence Courts, and Community Courts.

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### **DRUG TREATMENT COURTS**

It has been over ten years since the first drug treatment court was established in New York State. Since then, more than 200 drug treatment parts have opened or are in planning, and, as of October 2004, the number of participants in the drug court program has grown to more than 20,000.

There is documented proof that this approach – in which judges mandate and then actively monitor the defendant's drug treatment – works. An evaluative study of six of the longest running programs in New York State, issued by the Center for Court Innovation in 2003, found an average 29 percent reduction in re-arrests for participants over a three-year period as compared to offenders who did not participate in the drug court program. This evaluation also showed that drug court participants in each of the six programs had lower rates of recidivism as compared to offenders subject to conventional case processing. Studies of drug treatment courts in other states have reached the same conclusion, demonstrating that judicially-mandated and court-supervised treatment reduces both levels of substance abuse and rates of recidivism for participants as compared to control groups.

In the coming fiscal year, the drug court program will be available in criminal and family courts in every county of the state. This statewide expansion meets a key goal set by Chief Judge Kaye's blue ribbon *Commission on Drugs and the Courts*, which in 2000 urged that drug courts be institutionalized as a standard method for case processing throughout the State.

### **INTEGRATED DOMESTIC VIOLENCE (IDV) COURTS**

The court system is also applying the problem-solving strategy to matters involving domestic violence. Integrated Domestic Violence (IDV) courts follow the "One Family, One Judge" model, in which a single judge presides over all Criminal, Family, and Supreme Court matters involving the same parties. This approach to case management overcomes the artificial jurisdictional barriers of New York's complex trial court structure, thereby simplifying the process for litigants. It also improves judicial decision-making, by ensuring that a single judge is familiar with all aspects of a family's problems. The IDV courts use problem-solving techniques such as intensive judicial monitoring of offenders and coordination of community services for victims in order to enhance victim safety and assure offender accountability.

Statewide, there currently are eleven IDV courts in operation and five more will transition from planning to implementation by the end of this year. Additional sites will be added next fiscal year to achieve the goal of at least one IDV court in each judicial district of the State by the end of 2005.

### **OTHER PROBLEM-SOLVING PROGRAMS**

The problem-solving approach to justice is also being used in cases that involve persons suffering from mental illness. It is estimated that up to 30 percent of all incarcerated persons have a serious mental illness. As an alternative to incarceration, Mental Health Courts provide mentally ill criminal defendants with supervision and services, including close judicial supervision of medical treatment and vocational training. The goal is to provide the structure and support needed to minimize potential for future criminal behavior. There are five mental health courts in operation now, and by the end of 2005 these specialized programs will be doubled to ten court locations in the State.

Along with expansion of the Mental Health Court program, the court system plans to apply problem-solving practices to cases involving incapacitated persons and certain sex offender cases. In 2005, a Model Guardianship Part will be established to provide specialized training of court personnel and to expedite access to services in cases involving allegations of financial misconduct or physical abuse of individuals alleged to be incapacitated pursuant to

Article 81 of the Mental Hygiene Law. In addition, Sex Offender Management Courts will test the effectiveness of problem-solving principles in certain types of sex offense cases. Research has shown preventive techniques and intensive oversight can result in lower rates of recidivism for sex offenders.

### **COMMUNITY COURTS**

Community Courts focus on quality of life issues and work closely with community members affected by crime. They feature restitution and treatment programs that seek to address the needs of victims, offenders, and the community. Community Courts use a variety of mechanisms to involve the community in the criminal justice process, including public restitution projects, community mediation, victim-offender panels, use of treatment and social service interventions, and input from neighborhood leaders through advisory panels and other participatory processes. Key elements of the community court model are the use of community service sanctions to make justice more visible in neighborhoods and the referral of offenders to services that will address the underlying problems that gave rise to the criminal conduct.

Currently, three community courts have been established in New York City. Outside of New York City, community court programs operate in the Nassau District Court and Syracuse City Court. Another community court is now under development in Bronx County. "Bronx Community Solutions," like previous community court projects, is dedicated to improving the quality of life and building closer ties between the courts and community residents. Bronx Community Solutions will build on the model of previous projects that rely on community service sanctions, provide referrals to services and seek greater involvement of community leaders and local residents in court programs.

### **CRIMINAL DIVISION BRONX COUNTY**

To address significant delays in the processing and resolution of criminal cases in Bronx County, the court system has undertaken a reorganization of the courts of criminal jurisdiction in the Bronx. For many years, there have been significant backlogs in the processing in both felonies and misdemeanors in the Bronx.

In this new program, the resources of both the Criminal Court and the Supreme Court, Criminal Term, including the judges and the nonjudicial staff, are available to handle both the felony and the misdemeanor caseload. This reorganization will allow the Criminal Courts in Bronx County to reduce persistent case backlogs and shorten time for case resolution, as well as reduce costs by allowing for a more flexible, efficient, and effective deployment of resources. It is estimated that the reorganization will produce a cost savings of almost \$1million a year.

### **ACCESS TO JUSTICE**

The Unified Court System has developed a statewide strategy to address and improve the public's access to justice. These efforts include initiatives ranging from enhancing the breadth of jury pools to providing assistance to self-represented litigants. The court system has created an Access to Justice Center to concentrate on promoting ideas to improve the delivery of services and on identifying permanent funding sources, programs and legislation that will ensure meaningful access to justice for all civil litigants.

Offices of the Self-Represented within the courts are another step taken to improve access to justice. These offices have been established within courthouses at five locations within New York City. In the coming fiscal year, additional offices with designated staff will be opened to provide these services in each judicial district of the state.

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Community education and outreach is also a central component of the Judiciary's access to justice efforts. Outreach to the public has involved a variety of programs and educational efforts, including enhancements to the court system's web site to provide 24-hour access to vital court information. Among these enhancements is CourtHelp, which was designed to provide easy access to information of particular interest to self-represented litigants.

### **SAFETY AND SECURITY**

The New York State courts are aware of the critical importance of meeting the public's safety and security needs. The court system continues to ensure public safety at court facilities by providing well-trained professional security officers in sufficient numbers throughout the state. Efforts continue to systematically improve court security through the use of enhanced equipment and technology. This budget seeks funds for replacement and upgrading of magnetometer and x-ray scanning systems and other electronic security systems at many court sites. Staffing and equipment improvements are also funded for new and expanded court facilities. Additionally, each court has developed a comprehensive emergency preparedness and recovery plan that is essential for the protection of the public and the courts and assures continuation of crucial functions in times of crisis.

### **CIVIL JUSTICE**

The Comprehensive Civil Justice Program was initiated in 2000 to move civil cases through the system efficiently through the active court management of cases. As a result, cases are now being completed in less time and the pending inventory of trial-ready cases is at its lowest level in many years. The court system will continue to focus attention to ensuring that civil cases move to trial in an efficient and orderly fashion.

Specialized court parts for specific case types have proven successful, including commercial parts, matrimonial parts, motor vehicle parts, and dedicated parts for cases in which New York City is a defendant. The use of specialized parts will continue and will be expanded in certain categories. For commercial cases, the Commercial Division, which now operates in Albany, New York, Erie, Monroe, Nassau, Suffolk and Westchester County Supreme Courts, will be expanded to additional locations to provide these services to litigants in every judicial district of the state. Along with expanded access to commercial parts, uniform rules are being developed in consultation with attorneys who practice commercial law to promote more efficient and effective handling of these cases.

To facilitate civil case processing, the court system also has been implementing "Filing by Electronic Means" (FBEM) in those counties authorized by the Legislature. In 2004, the Legislature authorized the use of FBEM in additional case types and in additional counties. With renewed legislative support for FBEM, the court system has intensified its efforts to encourage greater use of electronic filing of civil matters, especially in the tort area. This is being accomplished through a combination of outreach, training, collaboration with the bar, public education and technology enhancements. FBEM is proving its value and has great potential for reducing the time and expense associated with civil litigation.

### **COURT TECHNOLOGY**

Technology continues to play a central role in allowing the Judiciary to effectively manage and process its high-volume caseloads and provide public access to court information. The Statewide intranet (Courtnet) is now used throughout the court system for internal communications through e-mail and video-conferencing and for document distribution. In addition, Courtnet provides access to automated case management and administrative systems regularly used by judges and court personnel. The court system's technology budget supports the maintenance and operation of Courtnet and also supports projects associated with public access to electronic court records and improvements to public access to vital court information via the Internet.



This budget request provides annual funding for these ongoing operations and projects and seeks State-supported bond funding authorization to finance certain hardware and software equipment replacements and upgrades. The court system's automation budget also continues investments in a number of ongoing projects and will support replacement and upgrading of mainframe, office and courtroom technology such as servers, desktop computers, network devices, storage systems and printers on a scheduled basis. Funds also are provided to continue development of the court system's Universal Case Management System to replace existing automated and manual case processing applications. Priority will be given in the coming year to expanding and enhancing the Universal Case Management System applications for family, criminal and surrogate's courts and for design of a case management application for the 2,300 Town and Village Courts, specialized drug treatment courts, domestic violence courts and community courts application development.

In addition, the technology budget funds implementation of systems to streamline and enhance access to automated human resource information. Funds will support the human resource and timekeeping applications recommended as part of the comprehensive human resource business process analysis. The uniform automated timekeeping system, now in the implementation phase, is streamlining time and leave functions. Funding will also support work to design and implement new automated systems to support various other personnel functions including position management, employee histories, leave management and regulatory records requirements.

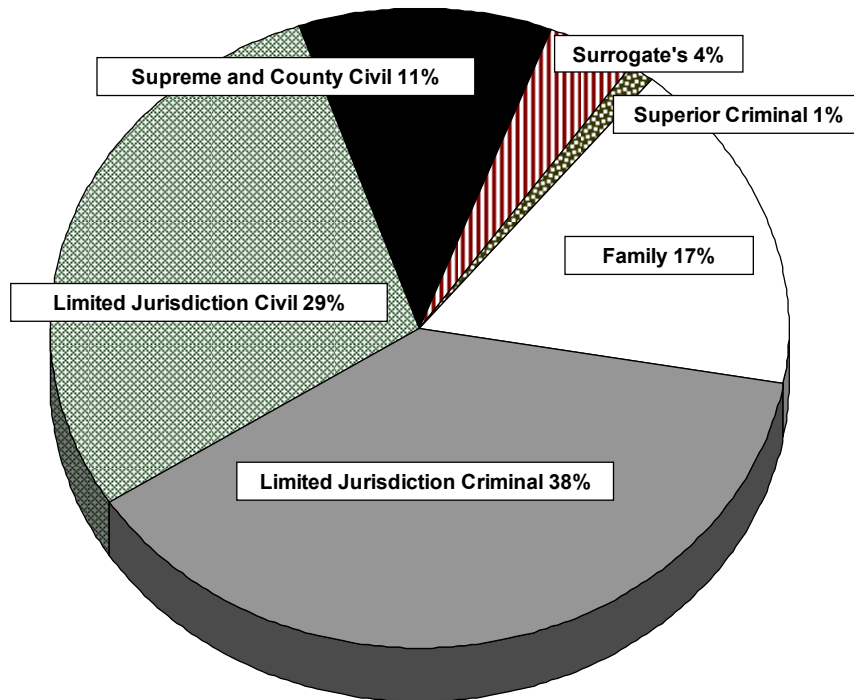
### **TOWN AND VILLAGE COURTS**

The Justice Court Assistance Program, enacted by the Legislature during the 1999 session, provides financial assistance for various purposes, including automation, training for judges and court staff, purchasing of legal reference materials, and improvement of court facilities. Magistrates Associations, which represent town and village justices, also may apply for funds to be used toward judicial training programs. In the current fiscal year, the Unified Court System will disburse \$500,000 in grants to these local courts across the state. Funding for grants will be capped at a maximum of \$20,000 for any one court or association. The grants being made available under the program will supplement local funding to address specific needs, such as automation and training of court personnel. This initiative is intended to increase the efficiency of Town and Village Court operations and enhance the administration of justice on a local level. The proposed budget for the Judiciary continues funding for this program of grant assistance at the current year level.

**COURT SYSTEM WORKLOAD**

The court system is handling record level caseloads. In 2003, there were 4,095,968 new cases filed in the trial courts of the Unified Court System, excluding parking cases, an increase of 389,170 filings, since 1999.

**Trial Court Filings  
by Case Type - 2003**



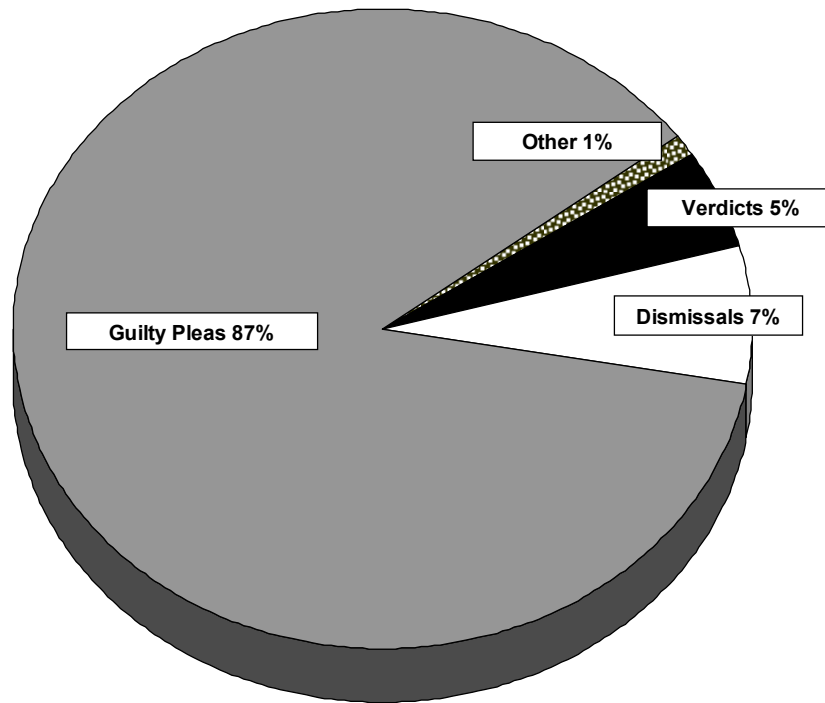
Filings and dispositions in 2003, by case type, were as follows:

**CRIMINAL CASES**

***Criminal Term of Supreme and County Courts***

- Felony Filings - 54,549
- Felony Dispositions - 55,882

**Felony Dispositions  
by Type of Disposition - 2003**



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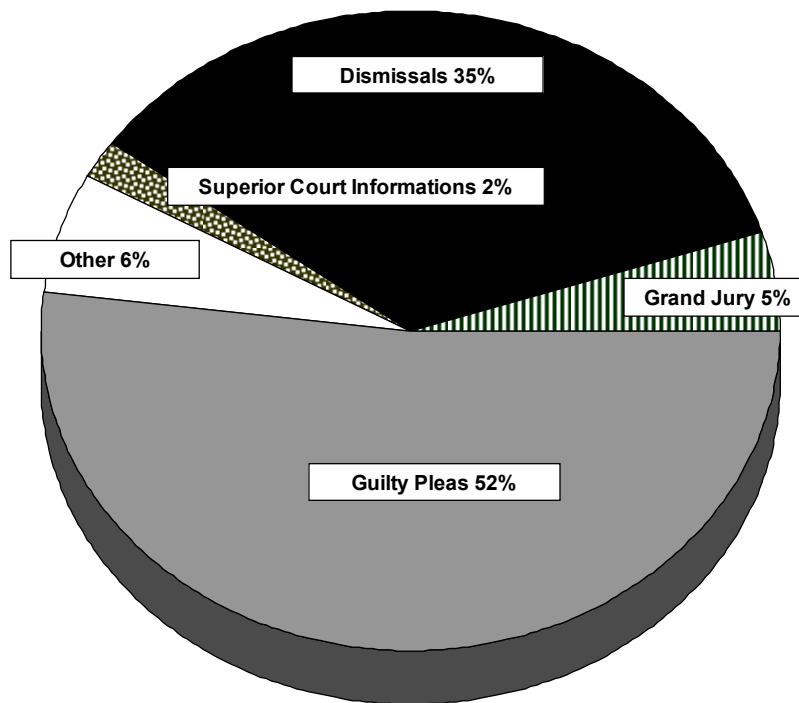
### ***Criminal Court of the City of New York***

- Filings (arrest cases) - 321,959
- Dispositions (arrest cases) - 317,306
- Filings (summons cases) - 534,866
- Dispositions (summons cases) - 376,794

### ***City and District Courts Outside New York City (Arrest, Traffic)***

- Filings - 717,004
- Dispositions - 667,114

NYC Criminal Dispositions  
by Case Type - 2003



\*Only 0.2% of dispositions were by verdict

**CIVIL CASES**

***Civil Term of Supreme Court***

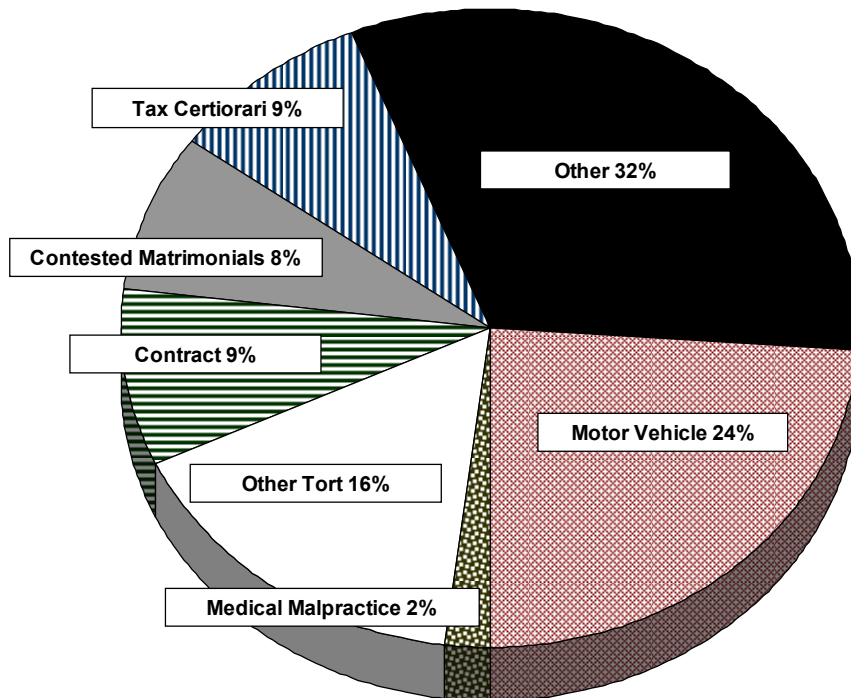
Civil Actions

- Filings - 430,007
- Dispositions - 439,010

Small Claims Assessment Review Program (SCAR)

- Filings - 18,255
- Dispositions - 22,527

Supreme Civil New Case Filings\*  
by Case Type - 2003



\*Does not include Ex-Parte Applications and Uncontested Matrimonial Cases

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### ***Civil Court of the City of New York***

#### Civil Actions

- Filings - 426,085
- Dispositions - 191,079

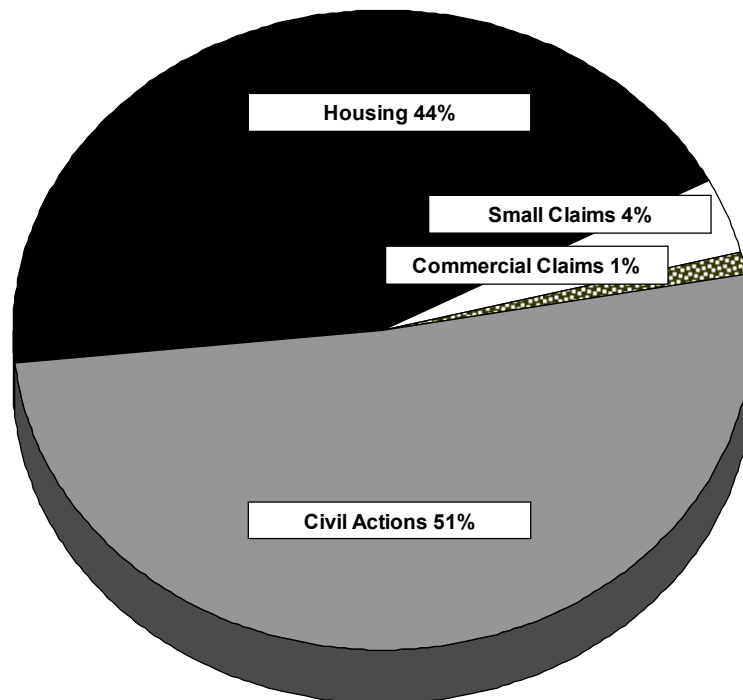
#### Small Claims/Commercial Claims

- Filings - 41,509
- Dispositions - 46,462

#### Housing Court

- Filings - 373,308
- Dispositions - 290,281

### NYC Civil Court Filings by Case Type - 2003



### ***City and District Courts Outside New York City***

#### Civil Actions

- Filings - 172,466
- Dispositions - 139,450

#### Small Claims/Commercial Claims

- Filings - 47,415
- Dispositions - 48,220

Landlord/Tenant

- Filings - 88,511
- Dispositions - 77,566

County Courts

- Filings - 27,831
- Dispositions - 27,753

Court of Claims

- Filings - 1,683
- Dispositions - 1,516

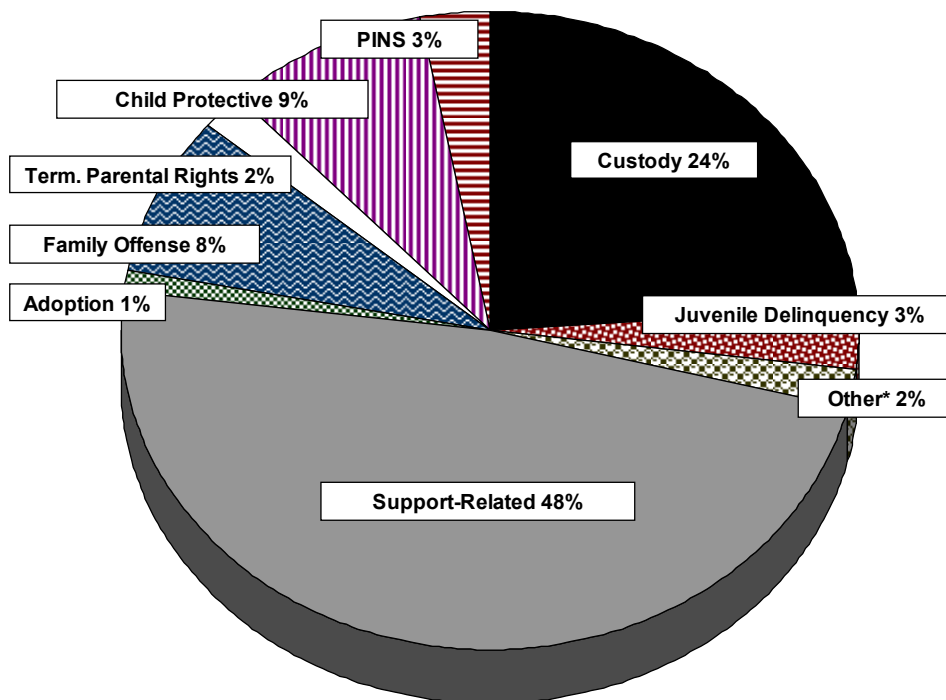
Arbitration Program

- Filings - 19,075
- Dispositions - 17,874

Family Courts

- Filings - 689,281
- Dispositions - 685,199

**Family Court Dispositions  
by Case Type - 2003**



\*Includes Guardianship, Foster Care, Physically Handicapped, Consent to Marry, Designated Felony and Other

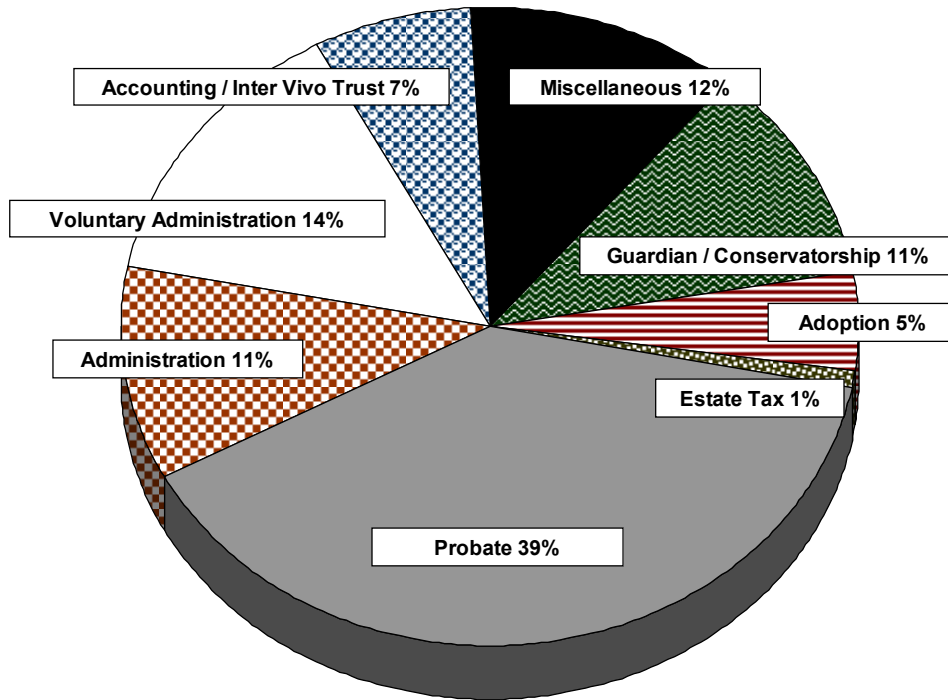
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## Surrogate's Courts

- Filings - 151,239
- Dispositions - 124,247

### Surrogate's Court Dispositions by Case Type - 2003





## **2005-2006 JUDICIARY BUDGET REQUEST**

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2005-2006 is \$1.45 billion, a 4 percent increase over the current year. The All Funds Court and Agency portion of the request, including the General Fund as well as Special Revenue and Federal Funds, is \$1.54 billion, a 3.8 percent increase over the current year fiscal appropriation of \$1.48 billion.

The Unified Court System budget request seeks to balance delivery of timely and effective justice services with the need for efficient and economical administration of court and agency operations. For 2005-2006, this prudent approach is reflected in the fact that mandated increases alone exceed the overall increase being requested in the General Fund Operations portion of the budget. The total increase of \$56 million for General Fund Court and Agency Operations includes almost \$45 million required to support mandated collective bargaining salary and related benefits. In addition, just under \$19 million is necessary to fund mandated increases associated with contractual security, Law Guardian payments and other non-discretionary costs. The modest amount of approximately \$10.5 million (less than 1 percent) is sought to address critical core operating needs. These core budget funding increases are associated with providing adequate security in upstate court facilities, addressing a case processing backlog in the NYC Civil Court where workload has grown by over 40 percent in the past three years, and filling critical long term vacancies in court locations where workload increases have been particularly acute. In spite of the need to fund these critical core functions, the court system is able to limit budget growth in other areas by maintaining stringent vacancy controls and other cost savings measures in areas such as travel, legal reference materials, equipment purchases and training programs. Savings generated in these areas were used to offset an overall increase that would have otherwise approached \$75 million.

The budget request includes full funding for all authorized judicial positions and funding for targeted nonjudicial positions. The personal service request also includes funding for salary increases for eligible nonjudicial employees as provided by approved collective bargaining agreements. Adjustments are also reflected for certificated justices and staff changes and annualization of costs for security and drug treatment court and other critical positions that were partially funded in the current year. In nonpersonal service, funds provide for jury per diem payments consistent with projected workload levels; legal reference materials and electronic research services at contractually agreed to rates; contractual security services with increases related to collective bargaining agreements for locally provided security; judicial hearing officer support, and other requisite per diem payments for trial-related services including costs for representation of children in Family Court; finance payments for prior year equipment financing programs; and other necessary support for basic costs such as office supplies, telephones, space and equipment rentals associated with the day-to-day operations of the courts and court-related agencies. Judicial education and training programs for court administrators and employees are also continued to improve the quality of justice.

### **ANALYSIS OF CHANGE**

The Judiciary's 2005-2006 Court and Agency Operations - General Fund budget increase totals \$56 million. The major components of the General Fund Operations change include:

- \$44.7 million for salary and related increases for eligible nonjudicial employees in accordance with collective bargaining contracts and administrative provision.
- \$7.5 million to annualize security and other critical positions filled in the current year.
- \$4.0 million to fill additional security and other high priority positions in fiscal 2005-2006.
- \$1.9 million to annualize the costs of Drug Treatment Courts established in the current fiscal year and to open additional specialized parts in the coming fiscal year.
- \$.7 million to expand night court in the New York City Family Court to New York and Queens counties.

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- \$.3 million to address significant workload increases in the Mental Health Legal Services Program.
- \$-.3 million for certificated justices and staff on 1/1/2005 and 1/1/2006 — a net decrease of 2 justices pursuant to section 115 of the Judiciary Law.
- \$5.0 million for the annualization of contractual security enhancements approved in the current year; for collective bargaining changes that will take effect in the coming year and for enhancements to provide coverage for new or renovated facilities.
- \$1.7 million for increases in equipment rental and other basic office services costs.
- \$.3 million for automated legal reference services.
- \$.4 million for increased judicial hearing officer services including funding to address case backlogs caused by dramatic increases in filings in the NYC Civil Court.
- \$.7 million to provide enhanced services to self-represented litigants at court locations throughout the state.
- \$.3 million for contractual increases in the Alternate Dispute Resolution program.
- \$3.9 million for Law Guardian Program increases for Legal Aid contracts and panel usage to address increases in law guardian assignments and contractual obligations.
- \$.5 million for diversity and other training initiatives.
- \$.6 million for the Bronx Solutions Community Justice initiative.
- \$1.5 million for replacement of aging or obsolete security equipment.
- \$-17.7 million attributable to vacancy control and other efficiency savings.

## **THE JUDICIARY BUDGET - 2005-2006**

The following is a summary of the 2005-2006 fiscal requirements of the Judiciary including the financial plan in support of the budget proposals.

**UNIFIED COURT SYSTEM  
2005-2006 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
MAJOR PURPOSE / FUND SUMMARY**

<b>Category / Fund / Major Purpose</b>	<b>2004-2005 Available</b>	<b>2005-2006 Requested</b>	<b>Change</b>
<b>Court and Agency Operations:</b>			
Courts of Original Jurisdiction	1,207,802,281	1,255,274,715	47,472,434
Court of Appeals	13,592,634	14,184,554	591,920
Appellate Court Operations	62,049,683	64,159,899	2,110,216
Appellate Auxiliary Operations	82,154,762	87,504,726	5,349,964
Administration & General Support	20,404,042	21,171,230	767,188
Judiciary Wide Maintenance Undistributed	3,728,059	3,476,899	(251,160)
<b>Court and Agency Operations - General Fund Total</b>	<b>1,389,731,461</b>	<b>1,445,772,023</b>	<b>56,040,562</b>
<b>Special Revenue Fund - Federal</b>	<b>10,500,000</b>	<b>7,500,000</b>	<b>(3,000,000)</b>
<b>Special Revenue Fund - Other</b>			
NYC County Clerks Operations Offset Fund	19,042,846	19,796,687	753,841
Judiciary Data Processing Offset Fund	12,471,784	14,062,512	1,590,728
Miscellaneous Special Revenue	2,500,000	2,500,000	0
Attorney Licensing Fund	20,367,305	21,095,853	728,548
Indigent Legal Services Fund	25,000,000	25,000,000	0
Court Facilities Incentive Aid Fund	2,133,550	2,072,925	(60,625)
<b>Court and Agency Operations - All Funds Total</b>	<b>1,481,746,946</b>	<b>1,537,800,000</b>	<b>56,053,054</b>
<b>Lawyers' Fund for Client Protection</b>			
Lawyers' Fund for Client Protection	9,810,678	9,840,258	29,580
<b>Lawyers' Fund for Client Protection - Total</b>	<b>9,810,678</b>	<b>9,840,258</b>	<b>29,580</b>
<b>Aid to Localities</b>			
General Fund - Courts of Original Jurisdiction	500,000	500,000	0
Court Facilities Incentive Aid	88,164,224	104,542,662	16,378,438
<b>Aid to Localities - All Funds Total</b>	<b>88,664,224</b>	<b>105,042,662</b>	<b>16,378,438</b>

# JUDICIARY

**UNIFIED COURT SYSTEM  
2005-2006 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
MAJOR PURPOSE / FUND SUMMARY  
(FUND DETAIL)**

<u>Category / Fund / Major Purpose</u>	<u>2004-2005 Available</u>	<u>2005-2006 Requested</u>	<u>Change</u>
<b><u>Court and Agency Operations:</u></b>			
Courts of Original Jurisdiction			
<i>General Fund</i>	1,207,802,281	1,255,274,715	47,472,434
<i>Special Revenue Funds</i>	45,097,385	44,451,380	(646,005)
<i>Total - All Funds</i>	1,252,899,666	1,299,726,095	46,826,429
 Court of Appeals			
<i>General Fund</i>	13,592,634	14,184,554	591,920
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	13,592,634	14,184,554	591,920
 Appellate Court Operations			
<i>General Fund</i>	62,049,683	64,159,899	2,110,216
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	62,049,683	64,159,899	2,110,216
 Appellate Auxiliary Operations			
<i>General Fund</i>	82,154,762	87,504,726	5,349,964
<i>Special Revenue Funds</i>	42,620,837	43,304,689	683,852
<i>Total - All Funds</i>	124,775,599	130,809,415	6,033,816
 Administration and General Support			
<i>General Fund</i>	20,404,042	21,171,230	767,188
<i>Special Revenue Funds</i>	2,721,425	2,640,338	(81,087)
<i>Total - All Funds</i>	23,125,467	23,811,568	686,101
 Judiciary Wide Maintenance Undistributed			
<i>General Fund</i>	3,728,059	3,476,899	(251,160)
<i>Special Revenue Funds</i>	1,575,838	1,631,570	55,732
<i>Total - All Funds</i>	5,303,897	5,108,469	(195,428)
 <b><u>Court and Agency Operations - Total</u></b>			
<i>General Fund</i>	1,389,731,461	1,445,772,023	56,040,562
<i>Special Revenue</i>	92,015,485	92,027,977	12,492
<b><i>Total - All Funds</i></b>	<b>1,481,746,946</b>	<b>1,537,800,000</b>	<b>56,053,054</b>
 <b><u>Lawyers' Fund for Client Protection</u></b>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	9,810,678	9,840,258	29,580
<b><i>Total - All Funds</i></b>	<b>9,810,678</b>	<b>9,840,258</b>	<b>29,580</b>
 <b><u>Aid to Localities</u></b>			
<i>General Fund</i>	500,000	500,000	0
<i>Special Revenue Funds</i>	88,164,224	104,542,662	16,378,438
<b><i>Total - All Funds</i></b>	<b>88,664,224</b>	<b>105,042,662</b>	<b>16,378,438</b>

**UNIFIED COURT SYSTEM  
2005-2006 BUDGET REQUEST  
ALL FUNDS DISBURSEMENT REQUIREMENTS  
(MILLIONS \$)**

<b>Category / Fund</b>	<b>2004-2005 Projected</b>	<b>2005-2006 Projected</b>	<b>Change</b>
<b><u>Court and Agency Operations:</u></b>			
<b>General Fund</b>	1,404.2	1,402.0	(2.2)
<b>Special Revenue Federal</b>	5.1	7.6	2.5
<b>Special Revenue Funds - Other</b>			
NYC County Clerks Operations Offset Fund	18.9	19.5	0.6
Judiciary Data Processing Offset Fund	12.8	13.4	0.6
Indigent Legal Services Fund	0.0	50.0	50.0
Miscellaneous Special Revenue	21.8	22.6	0.8
Court Facilities Incentive Aid Fund	2.0	2.1	0.1
<b><i>Court and Agency Operations - All Funds Total</i></b>	<b><u>1,464.8</u></b>	<b><u>1,517.2</u></b>	<b><u>52.4</u></b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
Lawyers' Fund for Client Protection	8.0	9.4	1.4
<b><i>Lawyers' Fund for Client Protection - Total</i></b>	<b><u>8.0</u></b>	<b><u>9.4</u></b>	<b><u>1.4</u></b>
<b><u>Aid to Localities</u></b>			
General Fund - Courts of Original Jurisdiction	0.5	0.5	0.0
Court Facilities Incentive Aid	99.2	103.0	3.8
<b><i>Aid to Localities - All Funds Total</i></b>	<b><u>99.7</u></b>	<b><u>103.5</u></b>	<b><u>3.8</u></b>
<b><u>Capital Projects:</u></b>			
Courthouse Improvements	2.9	0.5	(2.4)
<b><i>Capital Construction - All Funds Total</i></b>	<b><u>2.9</u></b>	<b><u>0.5</u></b>	<b><u>(2.4)</u></b>