

THE JUDICIARY

2006-2007 BUDGET REQUEST

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 nearly 1,300 state-paid judges, 2,300 town and village justices and approximately 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:

APPELLATE COURTS

Court of Appeals
Appellate Divisions
of the Supreme Court
Appellate Terms of the
Supreme Court
County Courts (acting as
appellate courts)

TRIAL COURTS OF SUPERIOR JURISDICTION

Statewide:
Supreme Court
Court of Claims
Family Court
Surrogate's Court
Outside New York City:
County Court

TRIAL COURTS OF LIMITED JURISDICTION

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. The jurisdiction of the Court is established in section 3 of Article VI of the Constitution. 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 from judgements or orders in 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 contested amounts of 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 \$5,000.

The Criminal Court of the City of New York has jurisdiction over all violations, infractions and misdemeanor offenses committed within the City of New York, as well as pre-indictment processing in felony matters. 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.

To address significant delays in the processing and resolution of criminal cases, the Unified Court System has undertaken an experimental reorganization of the courts of criminal jurisdiction within Bronx County. This initiative, commenced during 2004, consolidated the judicial and nonjudicial personnel resources of both the Criminal Court and the Supreme Court, Criminal Term to address both felony and misdemeanor caseloads. This reorganization has significantly reduced the backlog of misdemeanor matters in the Bronx and has shortened the time required to resolve cases. This consolidation of court parts has also resulted in various operating efficiencies with corresponding financial savings.

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 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 Court Operations provides centralized support for day-to-day court operations through its oversight of streamlining initiatives, procedural manual development and training programs, alternative dispute resolution programs and oversight of legal and records management services. The Division of Administrative Services 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.

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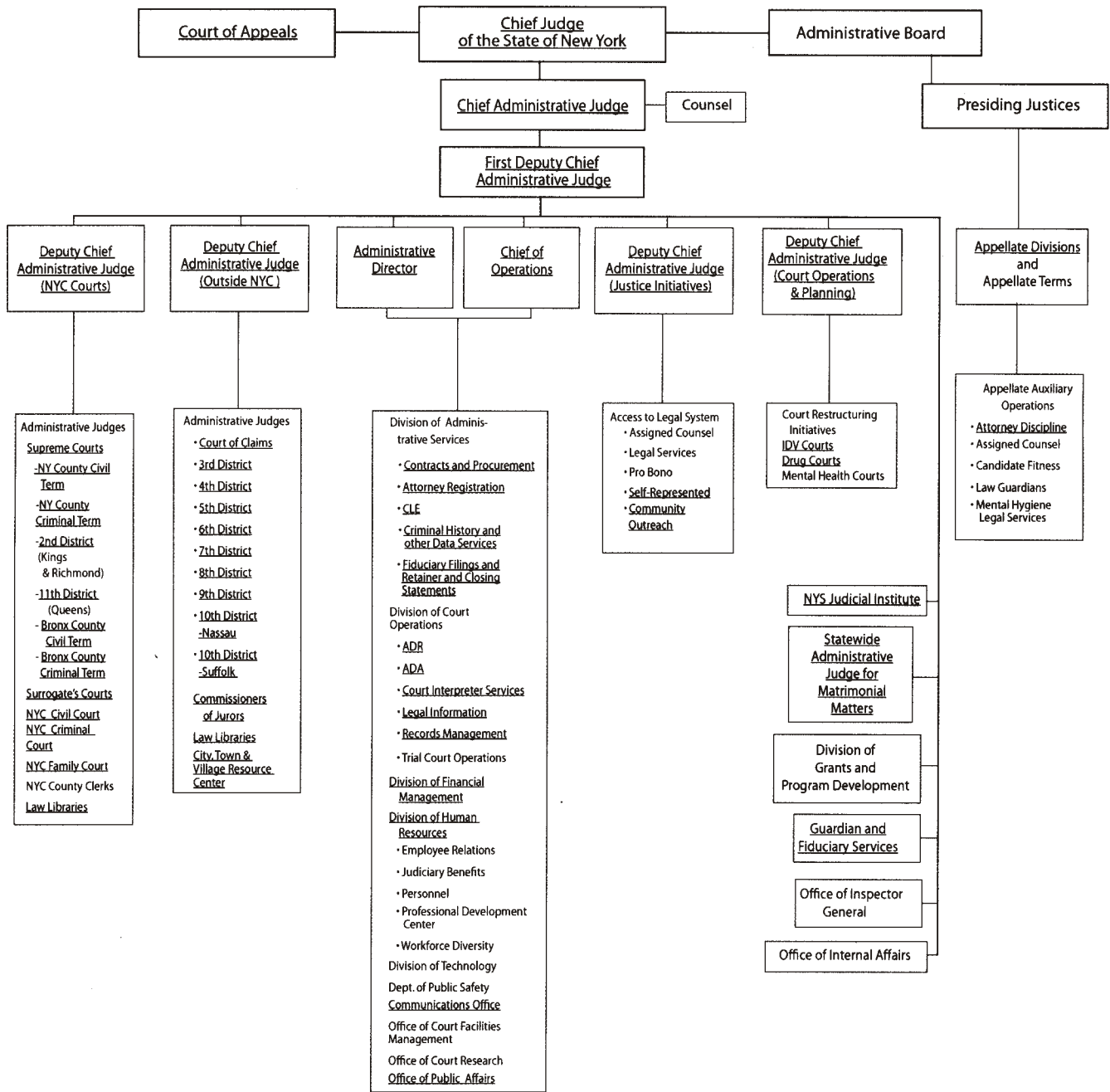
The services provided by these operational divisions are further supplemented by a Public Affairs Office which coordinates communications with other governmental entities, the press, public and bar. The Office of Court Research compiles UCS workload statistics for the courts, management and the public and conducts operational improvement studies. The 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. The Inspector General's Office is responsible for the investigation and elimination of infractions of discipline standards, conflicts of interest, and criminal activities on the part of nonjudicial employees and persons or corporations doing business with the court system. 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.

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 the courts and agencies operating within their respective districts except in the Tenth Judicial District, where a separate Administrative Judge is appointed for Nassau and Suffolk Counties. 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.

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.

UNIFIED COURT SYSTEM ADMINISTRATIVE STRUCTURE



EXECUTIVE SUMMARY

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 a vast and ever-growing caseload – in 2004, 4.1 million new cases were filed in the State’s trial courts, an increase of over one-half million filings since 1993.

The budget request seeks the funds necessary to fulfill the Judiciary’s constitutional mandate in a fiscally prudent manner. Even as caseloads rise to record levels, the court system will continue to limit spending through a variety of measures, including continuation of a vacancy control program, purchasing and travel restrictions, and the use of enhanced technology to make operations more efficient and cost effective.

The request for the Judiciary General Fund Court and Agency Operations for fiscal year 2006-2007 is \$1.54 billion, a 6.95% increase over the current year. The vast majority of the increase requested for 2006-2007 covers costs over which the Judiciary has little or no control. Over \$53 million is needed just to fund salary and related increases for nonjudicial employees provided for in collective bargaining contracts. Fixed expenses, including these collective bargaining increases, as well as costs associated with new judgeships created in the 2005 legislative session, and resources needed to fulfill new legislative mandates, constitute more than 99% of the total General Fund Operating request.

The proposed budget strikes the right balance: it calls for the Judiciary, as a full partner with the Executive and Legislative Branches, to carefully manage scarce public funds at the same time that it requests the resources necessary to meet the justice needs of New Yorkers.

JUDICIAL SALARY REFORM

No state in the nation has gone longer than New York without a pay increase for Judges. As of January 2006, it will be seven years since the last increase. The prior salary adjustment was five years before that one – with the result that New York State Judges have received only one pay raise in 12 years. A judge serving since 1988 would have received only two pay increases in 18 years of service.

In 2005, the Chief Judge proposed comprehensive reform of New York’s system for the compensation of its Judges, including: (i) pay parity between Justices of the Supreme Court and Federal District Court Judges, along with proportionate adjustment in the rates of pay for appellate-level Judges, (ii) corresponding pay adjustment for Judges of trial courts of limited jurisdiction, marked by significant reduction of salary disparities both within the same level of court and between court levels, and (iii) provision for continuing adjustment of judicial pay to maintain pay relationships between New York State Judges and their Federal counterparts.

Enactment of this reform remains the court system’s highest priority. In anticipation of legislative action on judicial compensation, the Judiciary’s proposed budget includes \$69.5 million to fund the salary increase, including \$32.6 million to fund the increase retroactive to April 1, 2005.

NEW JUDGESHIP LEGISLATION

Chapter 240 of the Laws of 2005, established 21 new Judgeships effective August 1, 2005. This legislation created five Part A Court of Claims Judgeships, nine Part D Court of Claims Judgeships, two Ninth District Supreme Court Judgeships, one new Supreme Court Judgeship for Queens County, one new Supreme Court Judgeship for Bronx County, a new Family Court Judgeship for Orange County, a new Surrogate for Kings County and a new County Court Judgeship in Rensselaer County. The elected Judgeships created are to be filled in the November 2005 general election, and the individuals elected to those positions will take office on January 1, 2006. The 14 Court of Claims Judgeships will be appointed by the Governor.

The 2006-2007 Judiciary Budget includes funding for these Judgeships and for the associated nonjudicial positions to be created pursuant to this legislation, with the appointed Court of Claims Judgeships and staff to be phased-in on a half-year basis. In addition to these personal service costs, significant start-up, fringe benefit and ongoing nonpersonal service overhead costs will be incurred and are included in this budget. When fully annualized in fiscal 2007-2008, these additional Judgeships will add more than \$16 million per annum to the Judiciary budget.

PERMANENCY PLANNING LEGISLATION

The 2006-2007 budget seeks funding necessary for the Judiciary to implement the Permanency Planning legislation enacted in the last legislative session (chapter 3 of the Laws of 2005). This comprehensive legislation substantially changes Family Court processes for children in out-of-home care, both in foster care and direct placements. The legislation provides courts with continuing jurisdiction over children in foster care, reforms the laws that govern permanency planning, and establishes court scheduling, rather than agency petitioning, as the mechanism for ensuring that all children have on-time permanency hearings.

This legislation is expected to improve outcomes for children in foster care. However, it also imposes significant additional burdens on the already greatly-burdened Family Courts across the State, primarily as a result of additional monitoring and the increased number and frequency of permanency hearings. Accordingly, the 2006-2007 budget seeks legislative approval for a modest number of new positions and funding to fill several vacant positions in the Family Courts to address the operational impact of this legislation. This legislation will also have a significant impact on agencies such as the Juvenile Rights Division of the New York Legal Aid Society which contract with the UCS for Family Court representation. This legislation will require additional hearings as well as longer and more comprehensive interaction between the Family Courts and their clients. Accordingly, this budget includes partial year funding for additional contractual law guardian staff to address these new legislative mandates.

LOCAL COURTS WORKLOAD

The budget also seeks funding to fill vacant lines to address the impact of significant workload growth in the local City and District Courts and in the New York City Civil Court. Local court operations have been impacted by the requirements of chapter 452 of the Laws of 2005. This legislation, which took effect on September 8, 2005, requires that all civil cases be commenced in the NYC Civil Court, the District Courts and the upstate City Courts by filing with the court the summons and complaint/notice of petition and petition/order to show cause and petition together with payment of the associated filing fee. These procedural changes will further challenge local courts, which already operate with the highest caseload to staffing ratios in the state. Relief is especially important in the New York City Civil Court, where new filings, primarily no-fault insurance filings, exceeded 400,000 cases in 2004, an increase of more than 40 percent in the past five years. To address these needs, this budget includes partial year funding to permit the filling of several existing vacancies in the most burdened City and District Courts and in the New York City Civil Court.

PROBLEM-SOLVING JUSTICE

The 2006-07 budget request also continues funding to integrate problem-solving justice principles, practices and innovations within the court system. Problem-solving courts 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 problem-solving case management techniques, and the use of treatment diversion as an alternative to incarceration, have proven a highly effective means

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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 has begun incorporating problem-solving strategies into the mainstream of court operations in the areas of Drug Treatment Courts, Integrated Domestic Violence Courts and Community Courts. It also is expanding the problem-solving approach to address the underlying problems of individuals whose court cases arise due to mental health disorders and for specialized court parts that deal with sex offender matters.

DRUG TREATMENT COURTS

In the more than ten years since the first drug treatment courts were established in Brooklyn, Buffalo and Rochester, more than 200 drug treatment court parts have opened or are in the planning stages throughout New York State. These court parts are in place in both felony and local criminal courts, and in Family Courts. They provide non-violent criminal offenders and parents charged with child neglect due to their substance abuse problems with the opportunity to participate in treatment and social service programs. Referrals to treatment and intensive judicial monitoring of compliance with court mandates is used as an alternative to incarceration for criminal defendants with the goal of breaking the recurring cycle of arrest and incarceration.

As of September 2005, the number of offenders and family court litigants diverted to drug treatment court programs across the state reached 25,722. An evaluative study of six of the longest running programs in New York State Courts found evidence supporting the effectiveness of drug treatment courts as an alternative sentencing option. That research study, conducted by the Center for Court Innovation, 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 found that drug court participants in each of the six programs had lower rates of recidivism as compared to offenders subject to conventional case processing.

Numerous 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. Drug court programs will soon be readily accessible in every county of the state, in both criminal and family courts, to address offenders and litigants with underlying substance abuse and addiction problems. This statewide expansion meets a key goal set by Chief Judge Kaye's blue-ribbon *Commission on Drugs and the Courts*, which 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 where domestic violence is present. 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 intensive judicial monitoring of offenders and coordination of community services for victims in order to enhance victim safety and assure offender accountability.

Statewide, there are 18 IDV courts currently in operation, with 20 more in the planning stage. By early 2007, we will have at least one IDV court in each judicial district of the State, realizing the goal set forth in 2003 by Chief Judge Kaye in her Comprehensive Plan for expansion of IDV Courts.

MENTAL HEALTH COURTS

The problem-solving approach to justice is also being used in cases that involve persons suffering from mental illness and dual substance abuse and mental health disorders. As an alternative to incarceration, Mental Health Courts divert criminal defendants with a diagnosis of mental illness into supervised treatment and service programs. Like other problem solving courts, specialized court parts and trained Judges provide intensive court monitoring of defendants. The focus in these parts is on ensuring participant adherence to medical treatment plans and other program mandates. The goal is to provide participants with the structure and support needed to minimize the potential for future criminal behavior, and to help them improve their ability to function in the community. There currently are five mental health courts in operation, and six additional specialized mental health court parts are now in the planning stage.

COMMUNITY COURTS

Community Courts focus on quality of life issues and work closely with communities affected by crime. These courts 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, and treatment and social service interventions. They also seek 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, four 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. The court system's latest problem solving court initiative is Bronx Community Solutions (BCS), which began taking case referrals in January 2005. BCS is a community court project that provides community service sentencing options and referral to social services to those who plead guilty to non-violent lesser criminal offenses. The project's design and operation has been a collaborative effort of the Center for Court Innovation, the Bronx Criminal Court and the Office of the Bronx District Attorney. When fully implemented, BCS will be a resource that will provide sentencing options for the majority of people arrested in Bronx County for non-violent misdemeanor offenses.

As a community court, BCS has similar goals to those of the Midtown Community Court, Red Hook Community Justice Center and Harlem Community Justice Center which operate within New York City. The program seeks to improve public safety by promoting accountability and addressing underlying offender problems. These projects also seek to engage community stakeholder agencies and concerned citizens in the justice process. What is different about BCS, as compared to other community courts in New York City, is that it is not a neighborhood court with a limited geographic coverage area, but rather serves as a major resource to address the underlying problems of all people charged with minor offenses in Bronx County. As of the fall of 2005, BCS program staff were supporting two high-volume arraignment parts and the conference part of the Bronx Criminal Court. By 2006, BCS will expand its services to support all criminal court Judges in Bronx County. The BCS project recently was awarded \$200,000 by the U.S. Justice Department as one of ten sites selected to receive a "Community-Based Problem-Solving Justice Initiatives" grant to test ways to bring the successful elements of the approach to all offenders.

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CRIMINAL DIVISION BRONX COUNTY

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

In this new program, the resources of both the Criminal Court and the Supreme Court, Criminal Term, including the Judges and the nonjudicial staff, have been merged and are available to handle both felony and misdemeanor caseloads. This reorganization has allowed the Criminal Courts in Bronx County to greatly reduce persistent misdemeanor backlogs and to shorten the time to case resolution, as well as reduce costs by allowing for a more flexible, efficient, and effective deployment of resources. In its first year of operation, this reorganization has produced significant savings through the consolidation of court parts, and these savings are expected to be ongoing.

SAFETY AND SECURITY

Recognizing the critical importance of meeting the public's safety and security needs, the court system's Task Force on Court Security was convened in March 2005. The Task Force was composed of uniformed security personnel, court system operational personnel and senior managers, in collaboration with administrative Judges, judicial and nonjudicial associations, State and local bar associations, police organizations, the New York State and New York City emergency management officials, and the National Center for State Courts, among others. The Task Force's mandate was to examine the operational, administrative and legal aspects of properly protecting the New York Courts and the public. The Task Force recently issued its report and made 47 specific recommendations for enhancing the security of the New York Courts. The recommendations are intended to ensure that security personnel are effectively and efficiently trained, equipped and deployed throughout the State, that appropriate and standardized public safety procedures are implemented, that courthouses and other justice system facilities are designed and maintained to protect against foreseeable risk, and to improve the court system's capabilities to quickly and flexibly respond to emergencies.

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. Foremost among these initiatives is funding for additional improvements necessary to ensure that court system facilities are safe and secure for Judges, lawyers, litigants, court personnel and the general public. New security officer positions are being sought to provide adequate coverage for new court facilities such as the Bronx Criminal Court Complex. This budget includes new security lines (mostly associated with new facilities), additional security vacancy fills and enhancement of local government security contracts, all of which are proposed to address deficiencies in coverage in courtrooms and court facilities identified via local analysis and a statewide review of existing security staffing.

ACCESS TO JUSTICE INITIATIVES

The right of access to the courts is fundamental. The Office of the Deputy Chief Administrative Judge for Justice Initiatives oversees various initiatives designed to improve access to justice for all New Yorkers.

Offices for the Self-Represented have been opened to provide legal and procedural information to self-represented litigants. These offices currently exist in New York City and Westchester County, with additional offices to be created during the current year in the Fifth, Seventh, and Eighth Judicial Districts, in Bronx and Nassau Counties and at the Red Hook Community Court. The fiscal 2006-2007 budget continues funding for this initiative.

This budget also seeks funding for continued development of the court system's statewide pro bono program. This initiative is intended to encourage attorneys and bar associations to volunteer their services to litigants who are the most needy financially. Funding is included in this budget for a number of local pro bono action committees and for increased operational support for volunteer activities provided through service contracts with local legal service providers.

COURT TECHNOLOGY

Technology plays a central and expanding 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. Over 15,000 users in all court locations are part of the UCS statewide e-mail system. This system has become the court system's primary method of communication, carrying an average of 70,000 messages daily.

A major effort is currently underway to implement an Internet-based phone service (Voice over IP) in all of the major courthouses of the State with CourtNet serving as the backbone. This would provide the UCS with a more dependable and adaptable communications system, which merges computer and telephone technologies, provide benefits such as free long distance calls within the CourtNet network, and transmit phone messages via e-mail. By the end of 2006, the UCS hopes to have over 11,000 voice-over IP phone lines in service.

CourtNet also serves as the backbone for a video-conferencing system which connects all UCS administrative offices, fourteen courtrooms within New York City and one or more locations in each county of the State outside New York City. Video conferencing, which is being used for inmate appearances and for administration and training throughout the State, has been integral to our efforts to control employee travel expenses.

This budget supports the ongoing development of a statewide case management system - the Universal Case Management System (UCMS). The system has already been completed for the Family Courts and a version for Surrogate's Courts is currently being implemented. UCMS versions for courts of criminal jurisdiction, for supreme civil and for local civil will start being implemented during 2006. A statewide cashiering component is also under development. The UCS Division of Technology has created an Internet-based system which allows courts to electronically transmit court decisions and is in the process of implementing a system to make court records available to the public via the Internet. Ultimately, it will be possible for litigants and the public to do business with the courts remotely via the Internet. All these systems leverage the statewide CourtNet network and will help make UCS operations more efficient.

The technology budget also 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, to be completed during the current fiscal year, has substantially streamlined time and leave record keeping and control. 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.

This budget request provides annual funding for these ongoing operations and projects and seeks State-supported bond funding authorization to finance essential hardware replacements and upgrades. The court system's automation budget also continues

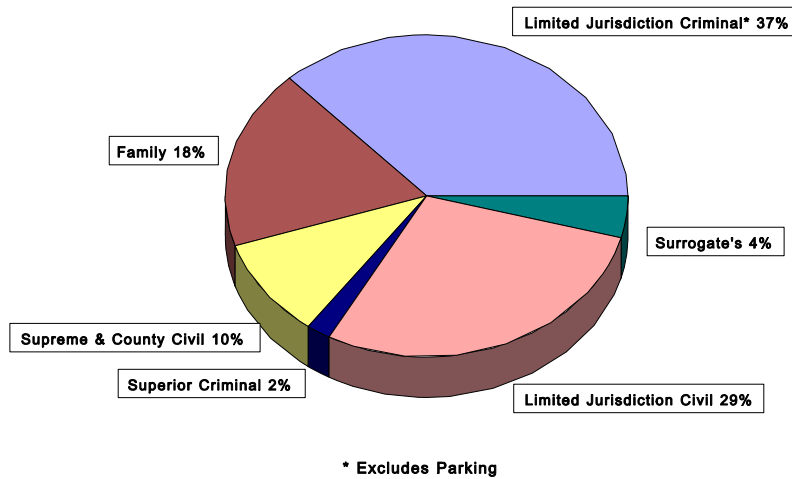
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investments in a number of ongoing projects and will support replacement and upgrading of mainframe, office and courtroom technology such as servers, desktop computers, network devices, storage systems and printers on a scheduled basis.

COURT SYSTEM WORKLOAD

The court system is handling record level caseloads. In 2004, there were 4.1 million new cases filed in the trial courts of the Unified Court System, excluding parking cases, an increase of one-half million cases or 13.5% since 1993. Filings and dispositions in 2004, by case type, were as follows:

Trial Court Filings by Case Type - 2004

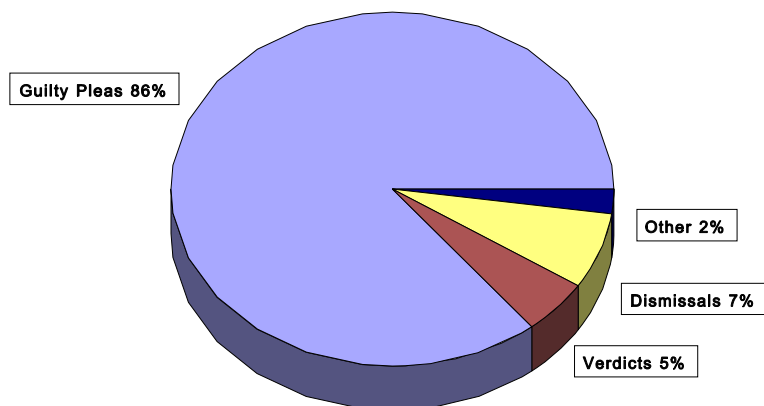


CRIMINAL CASES

Criminal Term of Supreme and County Courts

- Felony Filings – 51,983
- Felony Dispositions – 53,819

Felony Dispositions by Type of Disposition - 2004



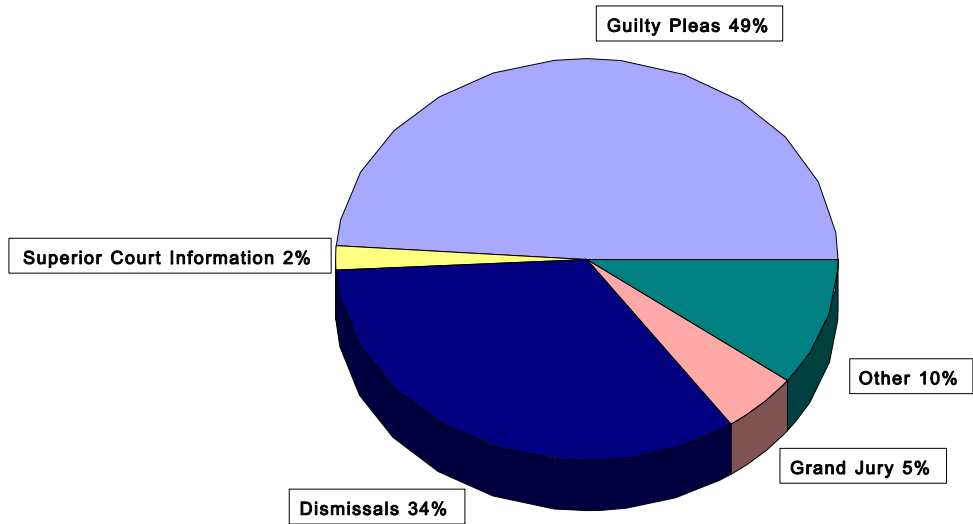
Criminal Court of the City of New York

- Filings (arrest cases) - 318,248
- Dispositions (arrest cases) - 330,521
- Filings (summons cases) - 468,292
- Dispositions (summons cases) - 356,029

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

- Filings - 702,079
- Dispositions - 606,921

NYC Criminal Court Dispositions by Case Type - 2004



* Only 0.2% of dispositions were by verdict

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CIVIL CASES

Civil Term of Supreme Court

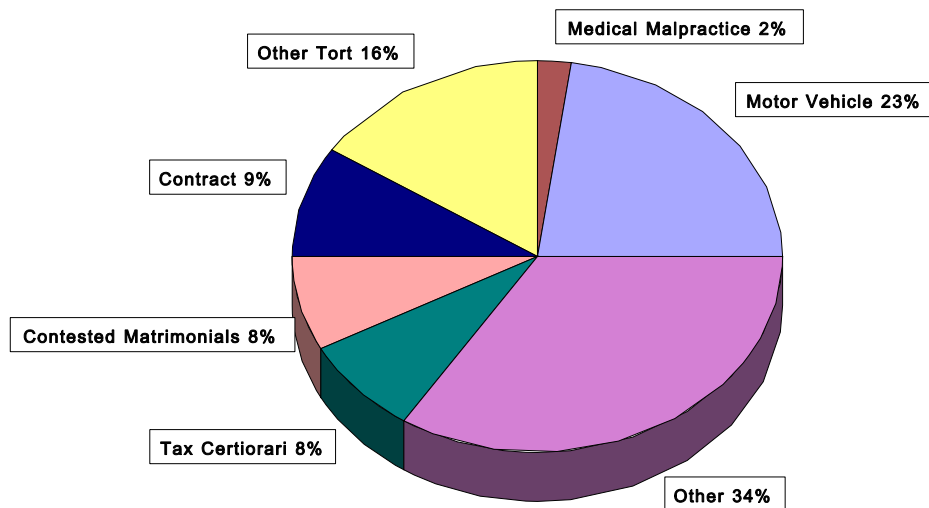
Civil Actions

- Filings - 415,132
- Dispositions - 434,675

Small Claims Assessment Review Program (SCAR)

- Filings - 85,324
- Dispositions - 42,933

Supreme Civil New Case Filings by Case Type - 2004



Civil Court of the City of New York

Civil Actions

- Filings - 400,931
- Dispositions - 245,822

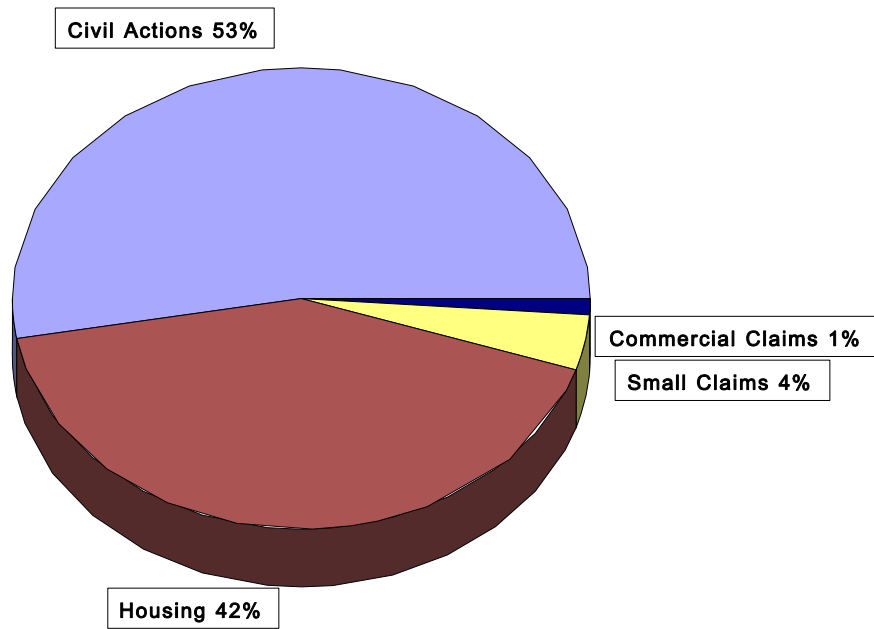
Small Claims/Commercial Claims

- Filings - 41,554
- Dispositions - 47,081

Housing Court

- Filings - 314,367
- Dispositions - 268,812

NYC Civil Court Filings by Case Type - 2004



CITY AND DISTRICT COURTS OUTSIDE NEW YORK CITY

Civil Actions

- Filings - 171,140
- Dispositions - 156,927

Small Claims/Commercial Claims

- Filings - 46,788
- Dispositions - 46,671

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Landlord/Tenant

- Filings - 74,997
- Dispositions - 75,887

County Courts

- Filings - 30,333
- Dispositions - 30,416

Court of Claims

- Filings - 1,694
- Dispositions - 1,729

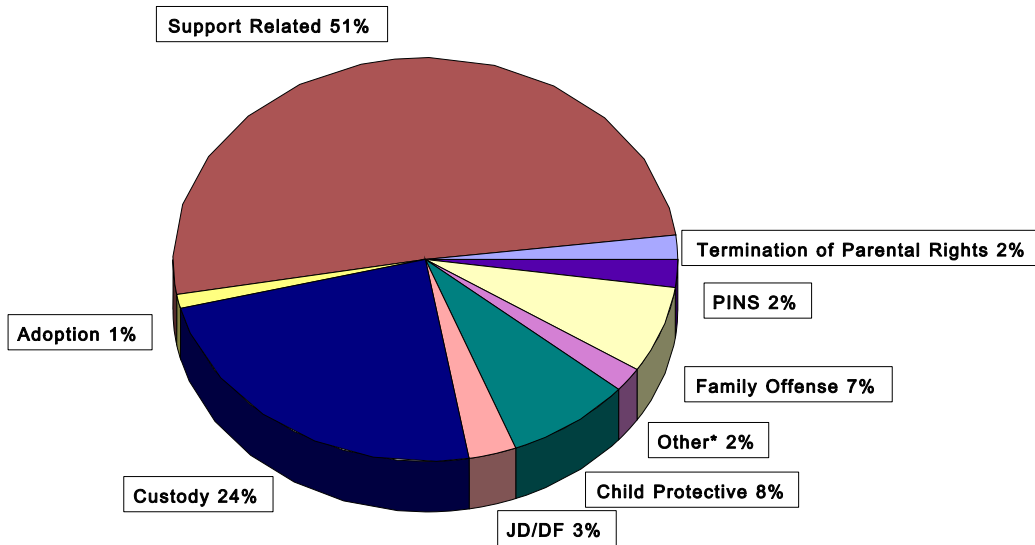
Arbitration Program

- Filings - 21,387
- Dispositions - 17,499

Family Courts

- Filings - 695,842
- Dispositions - 704,348

Family Court Filings by Case Type - 2004

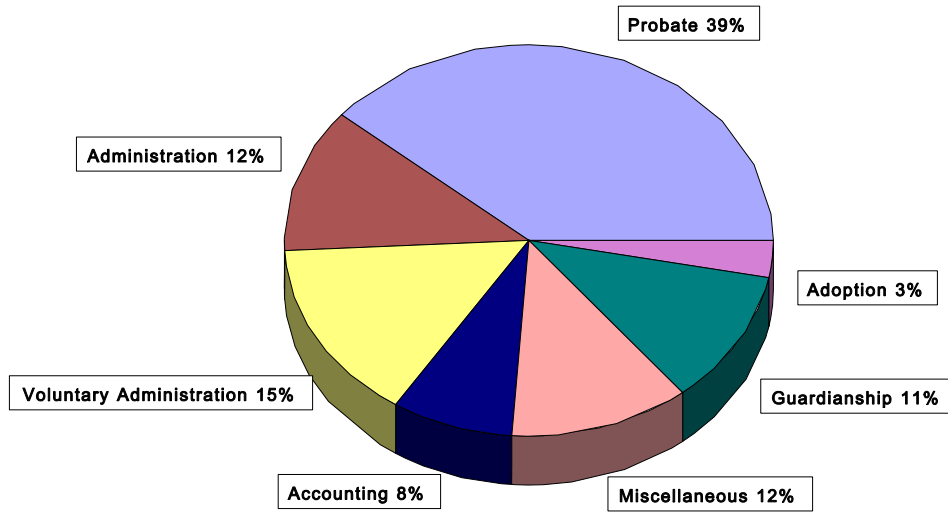


* Includes guardianship, foster care, physically handicapped, consent to marry and other.

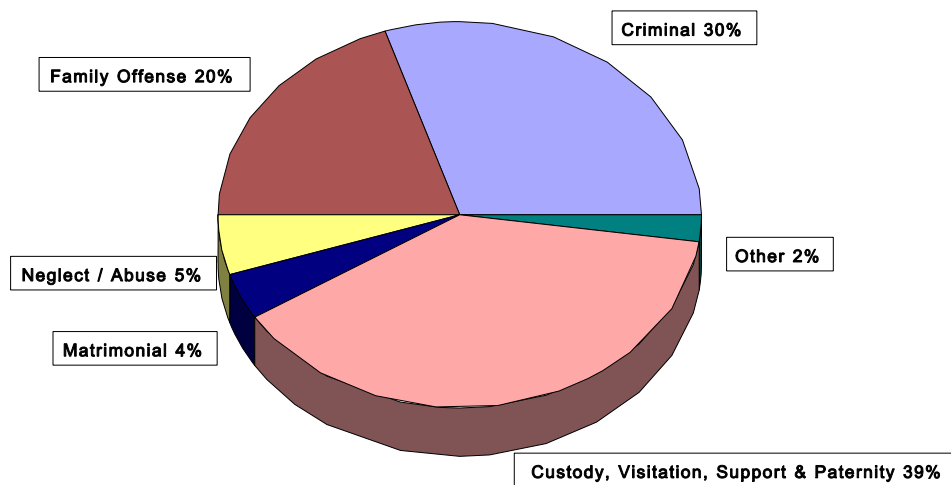
Surrogate's Courts

- Filings - 145,749
- Dispositions - 119,702

Surrogate's Court Dispositions by Case Type - 2004



Integrated Domestic Violence Filings by Case Type - 2004



THE 2006-07 JUDICIARY BUDGET REQUEST

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2006-2007 is \$1.54 billion, a 6.4% base and 6.9% overall 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 \$1.63 billion, a 6.8% increase over the current year fiscal appropriation of \$1.53 billion.

ANALYSIS OF CHANGE

The Judiciary's 2006-07 Court and Agency Operations - General Fund budget totals \$1.54 billion, an increase of \$99.7 million. The major components of the General Fund Court & Agency Operations change include:

- \$53.4 million for salary and related increases for eligible nonjudicial employees in accordance with collective bargaining contracts and administrative provision.
- \$13.2 million for security-related expenses including funding to annualize security positions created in the current year; to annualize current year local government contract security costs; for necessary security enhancements to these same agreements for next year; for security cameras, scanners and other equipment for the new Bronx Courthouse; for security improvements recommended by the Task Force on Court Security; for court officer medical screening expenses; for security-related overtime expenses; and, partial year funding for 100 new security positions and targeted security position fills.
- \$10.9 million for 21 new Judgeships created pursuant to the provisions of chapter 240 of the Laws of 2005, including related nonjudicial positions and nonpersonal service support.
- \$4.8 million for inflation-driven baseline nonpersonal service costs, including expenses for business-related travel, records management projects, print and computer-aided legal reference materials, Small Claims Assessment Review hearing officers, Alternative Dispute Resolution services and information technology consulting services.
- \$3.6 million for equipment and furnishings for new courthouse facilities.
- \$5.4 million to annualize the cost of essential employment target increases and other minor adjustments made in the current year.
- \$2.6 million for Law Guardian voucher and contract increases.
- \$2.2 million for Family Court permanency planning initiatives required pursuant to chapter 3 of the Laws of 2005, including partial-year funding for 25 new positions, vacancy fills and additional Law Guardian positions for the legal aid agencies with which the UCS contracts for Family Court representation.
- \$1.9 million for employment target increases in fiscal 2006-2007 for City & District Courts, Supreme Court Civil Justice initiatives and other specific workload issues.
- \$1.5 million for progress payments on equipment financed via State-supported bonds.
- \$.2 million in miscellaneous adjustments.

THE JUDICIARY BUDGET - 2006-2007

The following is a Summary of the 2006-2007 fiscal requirements of the Judiciary including the legislative appropriation bill and financial plan in support of the budget proposals.

JUDICIARY

Unified Court System
2006-2007 Budget Request
All Funds Appropriation Requirements
Major Purpose/Fund Summary

<u>Category / Fund / Major Purpose</u>	<u>2005-2006</u>	<u>2006-2007</u>	<u>Change</u>
<u>Court & Agency Operations:</u>			
<i>Courts of Original Jurisdiction</i>	1,245,264,814	1,336,431,881	91,167,067
<i>Court of Appeals</i>	14,184,554	14,681,024	496,470
<i>Appellate Court Operations</i>	64,159,899	65,944,946	1,785,047
<i>Appellate Auxiliary Operations</i>	87,504,726	92,997,612	5,492,886
<i>Administration & General Support</i>	20,830,012	22,143,618	1,313,606
<i>Judiciary Wide Maintenance Undistributed</i>	3,828,018	3,307,228	(520,790)
<u>Court & Agency Operations - General Fund Total</u>	<u>1,435,772,023</u>	<u>1,535,506,309</u>	<u>99,734,286</u>
<u>Special Revenue Fund - Federal</u>			
	7,500,000	7,500,000	0
<u>Special Revenue Fund - Other</u>			
<i>NYC County Clerks Operations Offset Fund</i>	19,796,687	22,061,575	2,264,888
<i>Judiciary Data Processing Offset Fund</i>	14,062,512	15,394,089	1,331,577
<i>Miscellaneous Special Revenue</i>	2,500,000	1,500,000	(1,000,000)
<i>Attorney Licensing Fund</i>	21,095,853	22,455,420	1,359,567
<i>Indigent Legal Services Fund</i>	25,000,000	25,000,000	0
<i>Court Facilities Incentive Aid Fund</i>	2,072,925	2,178,490	105,565
<u>Court & Agency Operations - All Funds Total</u>	<u>1,527,800,000</u>	<u>1,631,595,883</u>	<u>103,795,883</u>
<u>General State Charges</u>			
<i>General Fund</i>	395,969,672	426,411,511	30,441,839
<i>Lawyers' Fund for Client Protection</i>	98,000	98,000	0
<i>Attorney Licensing Fund</i>	3,779,780	4,070,823	291,043
<i>Court Facilities Incentive Aid Fund</i>	388,578	418,499	29,921
<i>Data Processing Offset Fund</i>	3,249,904	3,500,147	250,243
<i>New York City County Clerks' Offset Fund</i>	4,627,579	4,983,903	356,324
<u>General State Charges - All Funds Total</u>	<u>408,113,513</u>	<u>439,482,883</u>	<u>31,369,370</u>
<u>Lawyers' Fund for Client Protection</u>			
<i>Lawyers' Fund for Client Protection</i>	9,840,258	10,868,729	1,028,471
<u>Lawyers' Fund for Client Protection - Total</u>	<u>9,840,258</u>	<u>10,868,729</u>	<u>1,028,471</u>
<u>Aid to Localities</u>			
<i>General Fund - Courts of Original Jurisdiction</i>	500,000	1,000,000	500,000
<i>Court Facilities Incentive Aid</i>	104,542,662	123,553,284	19,010,622
<u>Aid to Localities - All Funds Total</u>	<u>105,042,662</u>	<u>124,553,284</u>	<u>19,510,622</u>
<u>Capital Projects</u>			
<i>General Fund</i>	0	3,000,000	3,000,000
<i>Special Revenue Funds</i>	0	0	0
<u>Capital Construction - All Funds Total</u>	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>
<u>Judicial Salary Reform</u>			
<i>General Fund</i>	0	69,500,000	69,500,000
<i>Special Revenue Funds</i>	0	0	0
<u>Judicial Salary Reform - All Funds</u>	<u>0</u>	<u>69,500,000</u>	<u>69,500,000</u>

**Unified Court System
2006-2007 Budget Request
All Funds Appropriation Requirements
Major Purpose/Fund Summary
(Fund Detail)**

<u>Category/Fund/Major Purpose</u>	<u>2005-2006 Available</u>	<u>2006-2007 Requested</u>	<u>Change</u>
<u>Court & Agency Operations:</u>			
Courts of Original Jurisdiction			
<i>General Fund</i>	1,245,264,814	1,336,431,881	91,167,067
<i>Special Revenue Funds</i>	44,451,380	47,117,724	2,666,344
<i>Total - All Funds</i>	1,289,716,194	1,383,549,605	93,833,411
Court of Appeals			
<i>General Fund</i>	14,184,554	14,681,024	496,470
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	14,184,554	14,681,024	496,470
Appellate Court Operations			
<i>General Fund</i>	64,159,899	65,944,946	1,785,047
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	64,159,899	65,944,946	1,785,047
Appellate Auxiliary Operations			
<i>General Fund</i>	87,504,726	92,997,612	5,492,886
<i>Special Revenue Funds</i>	43,304,689	44,320,681	1,015,992
<i>Total - All Funds</i>	130,809,415	137,318,293	6,508,878
Administration & General Support			
<i>General Fund</i>	20,830,012	22,143,618	1,313,606
<i>Special Revenue Funds</i>	2,640,338	2,812,111	171,773
<i>Total - All Funds</i>	23,470,350	24,955,729	1,485,379
Judiciary Wide Maintenance Undistributed			
<i>General Fund</i>	3,828,018	3,307,228	(520,790)
<i>Special Revenue Funds</i>	1,631,570	1,839,058	207,488
<i>Total - All Funds</i>	5,459,588	5,146,286	(313,302)
<u>Court & Agency Operations - Total</u>			
<i>General Fund</i>	1,435,772,023	1,535,506,309	99,734,286
<i>Special Revenue</i>	92,027,977	96,089,574	4,061,597
<i>Total - All Funds</i>	1,527,800,000	1,631,595,883	103,795,883
<u>General State Charges</u>			
<i>General Fund</i>	395,969,672	426,411,511	30,441,839
<i>Special Revenue</i>	12,143,841	13,071,372	927,531
<i>Total - All Funds</i>	408,113,513	439,482,883	31,369,370
<u>Lawyers' Fund for Client Protection</u>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	9,840,258	10,868,729	1,028,471
<i>Total - All Funds</i>	408,113,513	439,482,883	1,028,471
<u>Aid to Localities</u>			
<i>General Fund</i>	500,000	1,000,000	500,000
<i>Special Revenue Funds</i>	104,542,662	123,553,284	19,010,622
<i>Total - All Funds</i>	9,840,258	10,868,729	19,510,622
<u>Capital Projects</u>			
<i>General Fund</i>	0	3,000,000	3,000,000
<i>Special Revenue Fund</i>	0	0	0
<i>Total - All Funds</i>	0	3,000,000	3,000,000
<u>Judicial Salary Reform</u>			
<i>General Fund</i>	0	69,500,000	69,500,000
<i>Special Revenue Fund</i>	0	0	0
<i>Total - All Funds</i>	0	69,500,000	69,500,000

JUDICIARY

Unified Court System
2006-2007 Budget Request
All Funds Disbursement Requirements
(Millions \$)

<u>Category/Fund</u>	<u>2005-2006 Projected</u>	<u>2006-2007 Projected</u>	<u>Change</u>
<u>Court & Agency Operations:</u>			
General Fund	1,437.6	1,528.0	90.4
Special Revenue Federal	4.4	5.4	1.0
Special Revenue Funds - Other			
NYC County Clerks Operations Offset Fund	19.8	20.8	1.0
Judiciary Data Processing Offset Fund	14.0	15.0	1.0
Indigent Legal Services Fund	22.1	23.5	1.4
Miscellaneous Special Revenue	1.8	1.9	0.1
Court Facilities Incentive Aid Fund	25.0	25.0	0.0
<i>Court & Agency Operations - All Funds Total</i>	1,524.7	1,619.6	94.9
<u>General State Charges</u>			
General Fund	392.1	426.0	33.9
Miscellaneous Special Revenue	3.3	3.8	0.5
Court Facilities Incentive Aid	0.4	0.4	0.0
Judiciary Data Processing	0.0	4.5	4.5
NYC County Clerks' Offset Fund	0.0	3.2	3.2
<i>General State Charges - All Funds Total</i>	395.8	437.9	42.1
<u>Lawyers' Fund for Client Protection</u>			
Lawyers' Fund for Client Protection	7.4	8.9	1.5
<i>Lawyers' Fund for Client Protection - Total</i>	7.4	8.9	1.5
<u>Aid to Localities</u>			
General Fund - Courts of Original Jurisdiction	0.6	0.8	0.2
Court Facilities Incentive Aid	113.2	120.0	6.8
<i>Aid to Localities - All Funds Total</i>	113.8	120.8	7.0
<u>Capital Projects</u>			
Courthouse Improvements	0.5	1.0	0.5
<i>Capital Construction - All Funds Total</i>	0.5	1.0	0.5
<u>Judicial Salary Reform</u>			
General Fund	0	69.5	69.5
Special Revenue Funds	0	0	0
<i>Judicial Salary Reform - All Funds Total</i>	0	69.5	69.5