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NYCLA Report Charts Effect of Budget Cuts on Courts

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Staffing reductions and overtime restrictions within the court system as a result of budget cuts have started to create backlogs that could become more pronounced over time, according to [a report from the New York County Lawyers' Association](#).

The bar group is examining how fewer personnel are coping in various New York City courts following a \$170 million budget cut, early retirement incentives and a hiring freeze.

The courts under review are the Appellate Division, First Department; Appellate Term, First Department; New York City Criminal and Civil courts; New York City Family Court; and Manhattan Surrogate's Court. A report examining budget cuts for the Southern District of New York is forthcoming.

Among the findings of the preliminary report issued Monday:

- In New York City Civil Court, there is an accumulating backlog of data entry for warrants and judgments, with the backlog of warrants now about eight days as opposed to one to five days in March 2011.
- Additional eight-hour weekend day shifts were added to cope with Brooklyn's rising arraignment to arrest times ([NYLJ, July 21](#)). Additionally, there have been complaints about the availability of interpreters for court-ordered psychiatric exams to determine a defendant's fitness to stand trial.
- In New York County Supreme Court, Civil Term, the staff processing uncontested divorces in its matrimonial office has been reduced to seven people from 10.
- In New York County Surrogate's Court, backlogs for uncontested probate proceedings and the issuance of successor letters of trusteeship are mounting. The court has an unfilled chief clerk position and lacks an accounting department supervisor.

NYCLA's Task Force on Judicial Budget Cuts was established in June to examine issues like shortened facility hours and personnel reductions for court officers and judicial hearing officers. Task force members interviewed a range of people, from attorneys to court administrators, court officers and staff.

"Though our investigation has just begun, it is quite clear to the Task Force that a court budget, 92 [percent] of which represents personnel costs, will be seriously affected by the substantial reduction of the workforce as required by the budget cuts," the report said.

NYCLA will hold a public hearing in the fall and release a follow-up report with recommendations.

Chief Administrative Judge Ann Pfau, one of the officials interviewed by the task force, said in an interview that the report was "very helpful" in giving court officials feedback on the every-day experiences of attorneys.

"They are our consumers. These are people who are in courthouses every day," she said.

At one point, the preliminary report notes that jury pools will be reduced by 20 percent next month as a cost-control measure.

"Unfortunately, this will result in further trial delays, due to the unavailability of jurors. Trials will take longer and the cost of litigation will increase as a result," the report states.

Judge Pfau said she is working with Manhattan Administrative Judges Sherry Klein Heitler and Michael Obus and the clerk's office to limit the reduction in juror pools for Manhattan courts.

The task force is co-chaired by Stephen G. Crane, a former Appellate Division, Second Department, justice and Michael Miller, a practitioner and former NYCLA president.

"This is only a preliminary report and the impact of the budgets cuts are yet to be felt fully, but I think we've demonstrated that there are some serious consequences to the budget reductions," Mr. Miller said in an interview, noting, for example, service reductions in small claims court to one night from four.

Mr. Miller met with Judge Pfau, Justice Fern Fisher, the deputy chief administrative judge for courts in New York City, and Judge Lawrence K. Marks, the administrative director of the court system.

Mr. Miller said he was struck by "the dedication and quality of these administrators. They are extremely intelligent and thoughtful and committed to doing their best. That said, there's only so much the most talented administrators can do with diminished resources and increased demand for services."

Stewart D. Aaron of Arnold & Porter, NYCLA's president, said the report was necessary to let the public and elected officials understand the court system's "drastic budget cut."

"This is an important issue that needs to be seriously studied in terms of real life consequences," he said.

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