

### **COALITION TO ADEQUATELY FUND THE JUDICIARY**

Because of the budget crisis in the 1991 legislative session, the governor cut the judicial budget by \$97 million in the financial plan he submitted to the Legislature in January. The Legislature restored \$20 million leaving the judiciary with a \$77 million reduction. The League joined the Coalition to Adequately Fund the Judiciary in January and worked with the coalition throughout the session urging the governor and the Legislature to approve the judicial budget as originally submitted by the chief judge.

A controversy arose between the judiciary and the executive branches over the constitutionality of the judicial budget cuts. At issue was Article VII, Sec. 1 of the New York State Constitution which requires that “itemized estimates of the financial needs...of the Judiciary, approved by the Court of Appeals and certified by the Chief Judge of the Court of Appeals, shall be transmitted to the Governor . . . for inclusion in the budget without revision but with such recommendations as he may deem proper.” Although the governor submitted the judiciary’s budget to the Legislature “without revision,” he cut the judicial budget in his financial plan, which forms the basis for the Legislature’s negotiation of a final budget.

The impact of the judicial budget cuts initially was felt in the civil area as court officials try to cope with the criminal courts and Family Court calendars. The chief judge brought suit in the state court against the governor and the Legislature on the grounds that “severe under funding” of the courts is unconstitutional. In January 1992, an agreement was reached between the governor and the chief judge whereby the courts would be protected from further cuts in the following fiscal year and receive a \$19 million increase. The League will continue to press for adequate funding for the judiciary, a separate, independent and co-equal branch of government.