

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, March 12, 2013 3:36 PM
To: 'mallison@nysenate.gov'
Cc: latimer@nysenate.gov; ferris@nysenate.gov
Subject: Judiciary Budget -- As Slush Fund as the Dollars Would Show
Attachments: 3-11-13-ltr-to-sen-budget-subcommittee-public-protection.pdf; ex-b-blue-book.pdf

TO: Victor Mallison, Chief of Staff to Senator George Latimer

Thank you so very much for your prompt return call – and for giving me the time to summarize what I discovered after meeting with Senator Latimer on Friday afternoon, March 8th – and embodied at pages 10-11 of my March 11th letter to the Senate Budget Subcommittee on “Public Protection. Attached is that letter – and below is the e-mail that transmitted it yesterday. The direct link to the video of my testimony on February 6th at the joint budget hearing on “public protection”, posted on our website, www.judgewatch.org -- and which Senator Latimer, Andrew, and Walter watched during the course of the March 8th meeting, is here: <http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm>. Please watch it, as soon as possible.

Kindly find out for me the total dollar amount the Judiciary is requesting by its Judiciary budget AND the total dollar amount of the appropriations listed in its “single budget bill”, embodied by the Governor’s appropriations bill— S2601; A3001. As stated at page 10 of my March 11th letter, it appears to be “a veritable slush fund”.

As further stated at page 11 of my March 11th letter, the Senate and Assembly’s “White”, “Blue”, “Yellow” and “Green” Books are “all useless as aids to the legislators in evaluating the 200-plus page Judiciary budget and the second phase of the judicial salary increase.” The “analysis”, indicated as “forthcoming”, is almost finished. Here’s a preview of what I have written about the “Blue Book” – together with a pdf of the pertinent pages and evidence in substantiation.

Again, thank Senator Latimer for meeting with me last Friday. It was a wonderful meeting and I was greatly impressed by the Senator. As I told him, he will be a hero by simply “doing his job” with respect to this year’s budget – achieving major good government reform for the benefit of all his constituents and the People of the State of New York.

Elena Sassower, Director
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DRAFT --

- **The “Blue Book”** of the Senate Democratic Conference and its Finance Committee staff, entitled “Staff Analysis of the 2013-14 Executive Budget” (Exhibit B-1), is prefaced by a January 23, 2013 coverletter of Senate Finance Committee Ranking Member Liz Krueger stating:

“The data and analyses prepared by Finance Committee staff and included in this document will provide insights into these and other proposals in the Executive Budget which can inform the difficult decisions the Senate faces.” (Exhibit B-1a)

Its section on the Judiciary (Exhibit B-1b) summaries the Judiciary budget in a chart, a five-sentence italicized description of the Judiciary, and seven sentences about the Judiciary budget, whose passing mention of the judicial salary increase, is without furnishing its percentage or dollar amount.

The chart erroneously tallies the “Total All Funds” for both the “Executive Recommendation 2013-2014” and the “Adjusted Appropriation 2012-2013”. The “Total All Funds” tally for 2013-2014 is not \$2,660,128,900. Simply addition gives a figure \$29,232.424 less, to wit, \$2,630,896,476. Likewise the “Total All Funds” tally for 2012-2013 is not \$2,639,583,337. Simple addition gives a figure \$99,850,000 less: \$2,539,633,337. Needless to say, the corresponding “Change” figure relative to these two tallies is comparably erroneous. As for the “Percentage Change”, it makes utterly no sense – on its face.

However, the problem is not just simple addition. The chart is incomprehensibly erroneous and incomplete as to the figures comprising the “Total Operating Funds”. This is evident from comparison to the Judiciary’s “All Funds Appropriation Requirements Major Purpose by Fund Summary” (Exhibit B-2a).

Starting with the “General Fund”, the Judiciary’s “Summary” for 2013-14 is \$1,753,915.368. The chart figure is \$1,756,360,952. The figure in the Judiciary’s “Summary” for 2012-13 is \$1,754,127,381. The chart figure is \$1,756,572,965.

The “Special Revenue-Fed” is consistent with the Judiciary’s “Summary”: \$9,000,000 for 2013-14. \$10,500,000 for 2012-13.

As for “Special Revenue-Other”, the Judiciary’s “Summary” for 2013-14 is \$107,943,006, the chart figure is \$204,874,917. The figure in the Judiciary’s “Summary” for 2012-13 is \$105,722,594. The chart figure is \$204,921,050.

The chart then goes directly to a tally “Total Operating Funds” – which makes no sense because such total, as reflected by the Judiciary’s “Summary”, includes “Aid to Localities”, which the chart omits. The chart’s “Total Operating Funds” figures are the same as the “Grand Total All Funds” in the Judiciary’s “Summary” – which had included “Aid to Localities – except that the chart transposes the last two digits of the Judiciary’s tally for 2013-14 so that instead of \$1,973,235,869, the chart has \$1,973,235,896. As for 2012-13, it is, in both, the chart and Judiciary’s “Summary”, \$1,971,994,015.

The five-sentence italicized informational summary about the Judiciary beneath the chart is exported from the first two paragraphs of the “Introduction” to the Judiciary’s “2013-14 Budget Request” (Exhibit B-2b).

The seven sentences that follow, ostensibly about the Judiciary budget, are all taken uncritically from the “Executive Summary” of the Judiciary budget (Exhibit B-2c). Of the seven sentences, only the first two contain any figures and read: “The Judiciary’s General Fund Operating Budget request is \$1.75 billion. The request is a decrease of \$212,013 from the current fiscal year budget, a reduction of .012%”. Without a separating period, the third sentences continues: “This is the second negative budget request in two years that is being presented in the face of a number of cost increases, including the second phase of the judicial salary increase, and contractually-required increments for eligible non-judicial employees.” This parrots back, *verbatim*, the three-sentence third paragraph of the “Executive Summary” – and, in so doing, omits the figures from the chart for “Total Operating Funds” – which is \$1,973,235,869, as well as “General State Charges” of \$660,660,607 – whose total the chart gives as \$2,660,128,900 – a figure \$1,871,000 less than the \$2,662,000,000 identified by the chart in the “White Book”. Both figures are erroneous, the correct tally of “Total Operating Funds” and “General State Charges” is \$2,630,896,476.

Of the remaining four sentences, all derived from the “Executive Summary”, the fifth sentence, which is ungrammatical and confusing, also throws in the clause “many of whom are required by law to maintain open courtrooms, which makes absolutely no sense. It reads:

“Since the vast majority of the Judiciary budget supports personnel, many of whom are required by law to maintain open courtrooms, the Early Retirement Incentive, a hiring freeze and targeted layoffs, the non-judicial workforce of the court system has been reduced by almost ten percent to a level that is below the staffing levels of a decade ago despite an increased workload.”

As for the district attorney salary increases, the “Blue Book” makes no mention of their tie to judicial salary increases in stating in its section on the Division of Criminal Justice Services: “An additional \$350,000 is provided to fully fund statutory increases to district attorney salaries.” (Exhibit B-1c).

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Subject: Superseding Letter to Senate Budget Subcommittee on "Public Protection": ...Verifying the Dispositive Nature of the Opposition to the Judiciary Budget & its Judicial Salary Increase Request

The attached letter of today's date to the Chair & Members of the Senate Budget Committee on “Public Protection” – Senators Nozzolio, Ball, Gallivan, & Golden -- supersedes the letter sent on Friday, March 8th, as it makes SUBSTANTIVE additions. See, in particular, pages 10-13.

It is already posted on our website. Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/legislative-oversight-judicial-raises.htm> .

Apologies for the inconvenience.

Thank you.

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