

New York Law Journal January 22, 2018
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New York Gov. Andrew Cuomo. Photo Credit: The Associate Press/Hans Pennink

ALBANY — Gov. Andrew Cuomo wants the state comptroller to audit the judiciary as part of his budgetary proposal to certify that judges work eight hours a day.

Last week, Cuomo unveiled his [\\$168.2 billion budget in his address to the Legislature](#). The Democratic governor included a proposal to increase the judiciary's budget by 2.5 percent, if judges would certify that their courtrooms will remain open until 5 p.m. daily in an effort to cut backlogs. Aside from the judiciary's budget, health and education spending are the only areas that have been afforded a spending increase above Cuomo's 2 percent spending cap in a year when the state is expected to face a \$4.4 billion deficit.

Under Cuomo's proposal, state-paid judges or justices assigned to trial courts of the state's unified court systems would have to certify each month, in a statement, that he or she "performed judicial duties at an assigned court location for the full daily period of at least eight hours."

The state comptroller would also conduct periodic reviews and audit the certifications to “ensure that the state is responsibly authorizing state dollars for judicial salaries and the operation of state trial courts,” [according to legislation put forward by the governor’s office](#). Comptroller Tom DiNapoli’s office would then “evaluate the accuracy of the judicial certification and the effectiveness of the certification system as a whole,” Cuomo’s legislation says.

A spokesman for DiNapoli said his office was “reviewing the proposal.”

Lucian Chalfen, a spokesman for the state’s unified court system, reiterated previous comments made to the New York Law Journal that such oversight of the judiciary isn’t necessary given Chief Judge Janet DiFiore’s Excellence Initiative, which seeks to slash backlogs and delays in the state’s courts.

Privately, some judges have sneered at Cuomo’s proposal and have likened it to punching a time card. If the judiciary has to certify that judges work eight hours a day, lawmakers should do the same, several sources have opined.

It was not immediately clear whether other states have their judges certify that they’re working eight-hour days or open up the judiciary for auditing.

Cuomo’s office did not immediately reply when asked what other states impose similar attendance requirements. The National Center for State Courts did not reply to requests for comment.

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