

**New York State Legislative Fiscal Committees' Hearing on the Executive Budget  
Public Protection And Budget Hearing, February 4<sup>th</sup>**

**Pamela Browne  
President Of The New York State Court Clerks Association,**

Thank you for the opportunity to discuss Governor Andrew Cuomo's Executive Budget. I represent about 1550 court clerks in the City of New York. We support increased money to the courts as you legislators examine the courts and approve a budget.

The budget crunch in 2010 left my union with 250 fewer court clerks to make the courts work. There was a freeze on hiring, but there was no retirement freeze. The workload did not decrease however, but it increased with each new program, initiative, task and system. When anything new is introduced and when you pass any new laws it falls upon the clerks to carry it out, which we do as we are consummate professionals. The staffing shortage continues, with the numbers of clerks and other court personnel severely depleted.

There are court clerks working off the clock because they are diligent and conscientious and do not want to see unfinished work the next day, they want to start off clean. Working at a manic pace should not and cannot be sustained. Additionally, working off the clock is illegal.

Not all courtrooms can be staffed, we have clerks covering multiple parts and we have had judges sitting in chambers for lack of staff. All parts must be adequately staffed.

The courts are closing earlier and special permission is mandated before overtime can be approved. A woman went to Family Court seeking an order of protection and she was told to go to Criminal Court as it was past the hour that Family Court was in operation. There was a strict closing time to not yield overtime and the directive indicated that such cases were to be referred to Criminal Court. Previously she would have been allowed to file in Family Court. Criminal Court sent her back to Family Court as they were probably unaware of Family Court's closing at that hour. Dejected, she obviously gave up and left. She was subsequently killed by her husband. If she were a DuPont or a Carnegie this case would have received a lot of attention. But she was an ordinary New Yorker with no name recognition or fame. This was the ultimate – someone lost their life so the courts would not incur overtime costs. What price is a life?

Lack of funding has life and death consequences.

Not all insufficient funding has such immediate egregious outcomes, most are smaller but harmful nonetheless and affect people's well-being. The shortage of funds for court clerks has created tremendous backlogs in every court in many areas, ie. warrants in Housing Court, small claims are backed up for months and judgments that are yet to be entered, to name a few.

Not everyone is so middle-class that they can easily miss work to come to court. There must be adequate staff, in particular court clerks to minimize the time the public spends away from their jobs. People cannot and should not have to spend all day in court. Many people have such little vacation or sick time that a day in court is a day without pay. The public is suffering and receiving short shrift.

Justice delayed is sometimes justice denied.

In Family Court, in the Referee Parts, there is the referee and the court clerk. The court clerk is a receptionist, security, court attorney and court clerk all in one. These parts handle orders of protection, custody, visitation and foster care. Previously these cases were handled in a courtroom with a judge, a court clerk, security and a law assistant. The staffing in these referee parts was created legislatively and it must be corrected legislatively, each of these parts must be required to have **two** court clerks. You must make this right.

Over the years there has been the realignment of titles and lines, and negotiations and talks have failed to correct a classification system that is severely out of balance. We had been told that these issues would be addressed but this has not come to fruition. Court officers have been reclassified for a third time and the clerks have not been reclassified once in thirty eight years. The court officers deserve their reclassification but as their supervisors we also deserve it. This has upset the hierarchy, how can you not upgrade the supervisors? You cannot promote up only to lose ground, that is against the natural order.

The courts are in the business of dispensing justice and equitable relief and it is the court clerks who facilitate this, we are the backbone of the court system. During the years of the budget crunch court clerks were number one on the wish list of chief clerks. Seasoned judges tell new judges "If you don't listen to the clerk you're crazy."

Clerks are retiring in unprecedented numbers for a non-buyout year. The hiring freeze and zeros have erased the career path. The clerks are not receiving the credit, acknowledgment or appreciation we have earned. We need, want, deserve and have earned reclassification.

It is the clerks who move the paperwork and allow the courts to function. Whenever any change is invoked the task of the court clerk changes as well. Our jobs as court clerks have become convoluted, complex and all encompassing.

Court clerks supervise court officers and they promote into our ranks. With their third reclassification the salary gap between us has shortened. There are newly promoted court clerks who have chosen to go back to the ranks of officers. The job of a court clerk has become so challenging and with such a small pay difference that officers would prefer to roll around on the floor with defendants and litigants. This never happened before and is due to lack of reclassification for court clerks which has turned everything upside down. To become a court clerk you must pass a test which some attorneys could not pass. You give up months of your life and forgo numerous activities for the sake of studying. Some court officers sacrificed so much to become clerks and despite their forfeiting so many endeavors, they are going back to uniform.

In order to stay competitive we must be reclassified which would reflect the changes in our function and value and allow us to re-establish our rightful place.

There must be sufficient funding for the courts, the Judiciary and court clerks. The budget must have sufficient funding which would allow us to be reclassified. Equilibrium must be restored. The rank structure must be preserved. The financial consequences of the underfunding of the court budget and its effect on court clerks and consequently the courts must be reversed.

The loss of 250 court clerks saved \$22.5 million annually for the last six years, a total of \$135 million. We have more than paid for our own reclassification. We who made the biggest effort and sacrifice in keeping the courts functioning smoothly must reap our just reward.

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