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Testimony of Judge Barbara M. Quinn Appropriations Committee Public Hearing February 9, 2010

House Bill 5018, An Act Making Adjustments to State Expenditures and Revenues for the Fiscal Year Ending June 30, 2011

Good afternoon, Senator Harp, Representative Geragosian, Senator Debicella, Representative Miner and members of the Appropriations Committee. My name is Barbara M. Quinn, and I am the Chief Court Administrator. I would like to thank you for giving me the opportunity to talk about the Judicial Branch's financial difficulties and the Governor's mid-term budget adjustments.

In recent months, the Judicial Branch has been invited to appear before this Committee, at the November deficiency hearing, and before the Judiciary Committee at its January 19th hearing, to talk about our well-documented budget difficulties. I do not intend to use our limited time today to go over that ground in detail again. However, before I discuss the impact of the Governor's FY2011 budget proposals on the Judicial Branch, I do need to emphasize that the serious fiscal issues facing the Judicial Branch in the current fiscal year and beyond are emblematic of a much more profound problem that requires your attention.

Fundamental Structural Reform

There are fundamental and over-arching structural budget issues that must be addressed if we are to ensure that the Judicial Branch continues to function as intended by the Legislature. These issues include changing the manner in which the Legislature receives the Branch's budget proposals, and placing appropriate limits on the ability of the Executive Branch to unilaterally make allotment reductions and rescissions to the Branch after a budget is adopted. Plainly spoken, the present budget system for the Judicial Branch is broken and needs to be replaced by one in which the Branch is treated as a co-equal branch of state government.

Submittal as proposed

Under the present system, the Branch's budget request is submitted to the Office of Policy and Management, which is then free to reduce or modify the request without limitation before sending it on to the Legislature. The Legislature has no way of knowing what the Branch originally requested. This is the identical process used for Executive Branch agencies, and quite frankly, it isn't appropriate for a third branch of government. In our opinion, the Legislature should see what the Branch has requested and make its budget decisions on that proposal, not on one that has already been slashed and reshaped.

Concurrence in allotment reductions and rescissions

Undoubtedly, the most critical budget reform that we seek is one that would curb the unilateral and increasingly untenable budget reductions that are imposed upon the Branch after the Legislature has adopted the budget. Virtually all of our budgetary problems over the past 2 years, and in particular this year, are the result of allotment reductions and rescissions about which neither the Branch nor the Legislature were consulted. I would respectfully propose to you that in the future, any post-budget adoption reductions that are made to the Judicial Branch should require the concurrence of the Legislature. The Branch will be submitting legislation for your consideration that would implement these

vital budget reforms.

Partnership and adequate funding

Make no mistake, the Judicial Branch is committed to full participation and partnership with the Executive and Legislative Branches in saving money wherever practical and possible. What we seek is budget certainty and equity, not budget immunity. I know that you realize that we always do at least our fair share in budget savings efforts. But, adequate funding is essential to carry out the will of the Legislature and to provide the services expected of a statewide court system. It is disheartening and frustrating to see an ever-widening gap between the programmatic responsibilities and mandates given to the Judicial Branch by the Legislature and the funds that are ultimately available to meet those critical and central duties. Responsibilities and mandates only seem to grow and expand while resources continue to shrink. This cannot continue. If adequate funding is unavailable, we have no choice but to curtail what we do and where we do it.

FY2010

Because of a series of unprecedented and unworkable allotment reductions that have been imposed on the Branch's Other Expenses appropriation, we faced a very large and unexpected budget shortfall in FY 2010. These reductions are forcing us to make unpleasant and unpopular program cuts and delays as we try to live within the dollars that remain. New mandates given to the Branch by the Legislature are now in direct conflict with disproportionate budget reductions imposed on us.

We explained this in detail when we testified at the deficiency hearing just last November. Nevertheless, no concrete action has been taken to date by either the Executive or Legislative Branches that would obviate the need for these cuts, which include closing courthouses and law libraries in addition to programmatic cuts and delays. By taking these undesirable actions, we have managed to reduce the expected deficiency in our Other Expenses line item from more than \$12.9 million to approximately \$1.2 million.

I am aware that there is significant legislative interest in reversing the budget reductions that have forced these unfortunate steps, and we are very thankful for that. However, I must point out that because we are closer to the end of the fiscal year than the beginning, the time remaining to reverse course and implement programs that have been deferred such as those associated with "Raise the Age," and postpone a final decision concerning closing law libraries in Bridgeport, Hartford and Litchfield, grows short. **If any action is to be taken to rectify the problem in the current fiscal year, it must be taken as soon as possible so that the programs and contracts that have been delayed or eliminated can be implemented by April 1.** Doing so will require that \$5.45 million be restored to the Branch's OE account in FY2010. However, we must bear in mind the amount of funding which must be restored in OE for FY2011 is closer to \$9.5 million, which represents the \$7.8 million associated with "reducing OE to FY2007levels" and a minimum of \$1.95 million for law libraries.

FY2011

The Governor's mid-term budget adjustments must be examined in the context of what has happened this fiscal year. Although at first glance the budget proposal may not appear to substantially cut the Judicial Branch budget, further analysis indicates that is far from the case. If adopted as proposed, the budget would severely erode the gains we have made in recent months in replacing some of the hundreds of key staff we have lost over the past 2 years to a hiring freeze and ERIP, prevent us from hiring essential court security staff, allow the highly successful and badly needed foreclosure mediation program to expire by the end of the summer, and most critically, leave us exposed to the possibility of tens of millions of dollars of allotment reductions and rescissions after the budget goes into effect.

The constraints and uncertainties in the Governor's budget proposal mean that we will have to proceed with the announced courthouse and law library closings, not implement "Raise the Age"

programming in FY2011, and once again not fund certain contracts such as those for legal assistance to the poor that are passed through the CT Bar Foundation. Regrettably, we will have no choice but to continue our contingency planning for additional courthouse closings and other programmatic reductions that will be required if significant post-budget reductions are imposed upon the Branch.

Courthouse Security

With respect to court security staff, an area where attrition continues to outpace hiring, we remain far short of the 920 Judicial Marshals that are widely acknowledged to be necessary. This jeopardizes the security of everyone who enters our courthouses.

Foreclosure Mediation

Another issue that we have with the Governor's proposed budget is that it makes no provision for the continuation of the Foreclosure Mediation Program. This is a highly successful program, put in place by the Legislature that has helped thousands of homeowners remain in their homes. It was the first such in-court program in the country and has served as a model for other states. Moreover, given the fact that the number of foreclosures continues to be at record high levels and is predicted to continue at present levels for at least two more years it is still desperately needed. However, the Foreclosure Mediation Court Program is due to sunset on June 30, all while we have 50 hardworking staff in place to make it a reality. The Governor's budget adjustments provide no funding to continue the program, at a time when the need remains critical.

Law Libraries

The Governor's proposed budget provides no funding for law libraries. If this provision is enacted, it will be the second year in a row of zero funding. This is a critical gap; law libraries cannot function without updated research materials.

Let me explain something about law libraries that makes them different from your local library where perhaps you could curtail purchasing new books for a while and then start up again. Because the law is constantly evolving, the most up-to-date information must be made available to anyone who has cases pending before the court. Up-to-date legal research tools, in both electronic and printed form, are essential in order for judges to render rulings that are consistent with law and legal precedent because case law is only as good as the last case decided. And that case law is updated daily. This is what makes law libraries distinct from other libraries - just not buying the latest books is not an option.

Because of the lack of funding, we have been forced to announce the closing of 6 law libraries effective July 1, 2010. Even with the closures, operating the remaining 10 libraries and providing the necessary access to electronic tools will still result in the expenditure of \$1.5 million, none of which is budgeted. This simply exacerbates the budget shortfall in OE.

The Branch's future

I will end my remarks by repeating the questions I posed at the end of my recent testimony before the Judiciary committee. The ultimate question for you as a Legislature is this: What kind of court system do you want to have in Connecticut? Is it a Branch that provides services to citizens in reasonable proximity to where they live? Is it a Branch that has an adequate number of judges and support staff to serve the public and ensure that people have timely access to justice? Is it a Branch that is in the forefront of new and innovative programming that actually reduces crime and costs to the State and its communities? Is it a Branch that can continue to work effectively and cooperatively with its Legislative and Executive partners? Or, is it a Branch that struggles to meet its traditional statutory and constitutional responsibilities because of incessant budgetary conflict and uncertainty?

I know that at the end of the day we are all committed to working together to maintain the best court system we can, even in the face of tight resources. Thank you for this opportunity, and I am

pleased to answer any questions that you may have.