

*State of New York
Unified Court System*



*Lawrence K. Marks
Chief Administrative Judge*

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MEMORANDUM

September 29, 2020

TO: Administrative Judges

FROM: Lawrence K. Marks *LM*

SUBJECT: Certification

As we have discussed, the economic fallout of the coronavirus pandemic has led to enormous pressures on the State budget, including the Judiciary budget. With an existing \$14.5 billion State budget deficit, which could expand in the coming months, the Governor has exercised the emergency powers afforded him by the Legislature by cutting the current Judiciary budget by 10 percent, or approximately \$300 million.

This dramatic cut – by contrast, the last time the Judiciary budget was cut was in the very difficult 2011-12 budget year, when the cut was \$170 million – has compelled us to implement a range of painful measures. These include a strict hiring freeze, elimination of all non-personal services spending, and deferral of substantial payments owed to the next fiscal year. At this point, we have been able to avoid employee layoffs, but there is no telling what the coming months may bring. One thing is increasingly apparent – the next fiscal year will be as difficult, if not more difficult, than this year.

With all of this in mind, the Administrative Board has decided to disapprove all but a small handful of pending judicial applications for certification or recertification that would take effect on January 1, 2021. This extremely difficult but necessary determination will save the court system more than \$55 million over the next two years (under the law, a certificated or recertificated Justice serves a two-year term). This will far better help enable the court system to avoid layoffs, or greatly reduce the number of layoffs should that extreme measure become unavoidable.

Please notify the Justices in your respective jurisdictions who are affected by this

decision (Judge Silver and Judge Caruso will identify for you the small number of Justices who have been approved). Feel free to share this memorandum with them and with your other judges.

As always, thank you for your cooperation. Please let me know if you have any questions.

cc: Hon. Janet DiFiore
Hon. Rolando Acosta
Hon. Alan Scheinkman
Hon. Elizabeth Garry
Hon. Gerald Whalen
Hon. George Silver
Hon. Vito Caruso